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THE EFFECT OF ADMINISTRATION OF PAROLE LAWS
ON CRIME IN SAN FRANCISCO, 1929-1934,
AND A COMPARATIVE STUDY OF LAWS RELATING TO PAROLE IN
STATES OF CALIFORNIA, ILLINOIS, MASSACHUSETTS,
NEW YORK, WASHINGTON AND FEDERAL (U.S.).

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Project Supervisor:
Frederic B. Crossley.

Date of this Report:
April 7th, 1937.

Coordinator of Statistical Projects
Works Progress Administration
40 - 4th Street
San Francisco, Calif.

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F O R E W O R D

This survey was instituted as a State Emergency Relief Project (2F2-333) March 1st, 1935, and continued to August 22nd, 1935.

The project was opened for completion by Works Progress Administration August 1st, 1936, and continued in operation until February 15th, 1937.

The original sponsors were the County and City of San Francisco.

The plan provided that the statistical portion of the survey should include a period of five years, and because the fiscal year for this jurisdiction ends June 30th, it was deemed advisable to fix the time period for five years ending June 30th, 1934, on the theory that the project might be completed before statistics for the year ending June 30th, 1935, would be available. There is no reason to believe that the conclusions reached from a study of the statistics included in this report would be modified to any appreciable extent by inclusion of statistics for year ending June 30th, 1935; but where they are available for that year they have been included.

The comparative presentation of parole laws is based upon the latest published code or statute and session laws for each

jurisdiction. Citations not appearing in the text will be found under "bibliography" in the appendix.

Any attempt to ascertain the effect of the administration of parole laws on crime in San Francisco should be relative, that is, there should be an attempt made to ascertain the most important factors affecting administration of criminal justice in San Francisco and the extent to which all of these factors compare with parole. The public in general believe that the parole law and its administration play an important part in the crime situation in this city. To ascertain how far this is true an attempt is made in this report to present a picture of the administration of criminal justice in San Francisco and its results from the time of apprehension to time of confinement.

In the main, apprehensions for felonies only are considered because parole is mostly concerned with convictions for felony. As a basis for ascertaining the relative effect of parole on crime in San Francisco, an analysis was made of a transcript of all felony cases in the Superior Court of San Francisco County for the five-year period covered by the report. These cases were divided into "groups" solely for the purpose of facilitating analysis and these "groups" have no reference to dates or docket numbers, (Table 11). Taken into consideration were murder and manslaughter cases in the Municipal Court; a study of police reports and of the records of the Bureau of Identification; the coroner's office; and the California Board of Prison Directors and California Board of Prison Terms and Paroles as published in their reports.

At the outset of the work the Sheriff of San Francisco County

requested that, because of the varied regulations of county boards of parole throughout the state, and because some counties regulations are lacking, it would be helpful if a set of uniform regulations could be drafted for presentation to county parole authorities. As a result of correspondence with all county-sheriffs in California, a proposed uniform regulation was drafted and is attached hereto as exhibit (A). A description of California County Parole Law and statistics for San Francisco County are also given.

Acknowledgement is made of assistance rendered by Arthur D. Wood, Chairman United States Board of Parole; J. Edgar Hoover, Director Federal Bureau of Investigation, Washington, D. C.; Louis F. Bunge, Chairman Washington (State) Board of Prison Terms and Paroles; Frederick A. Moran, Executive Director New York Division of Parole; Richard Olney, Chairman Massachusetts Board of Parole; S. H. Stone, Deputy Commissioner Massachusetts Department of Correction; George T. Scully, State Superintendent of Illinois Division of Paroles; William J. Fitzgerald, former Sheriff San Francisco County; George McNulty, Chief Adult Probation Department San Francisco County; Chief of Police William J. Quinn; Captain Charles W. Dullea; Deputy Captain Thomas McInerney; Inspector Daniel J. O'Neill (members of the San Francisco Police Department); James Wilson, in charge of Municipal Court Records; and Maurice K. Cohen of the California Bar.

For assistance rendered by the Co-ordinator of Statistical Projects, Dr. James B. Sharp, in preparing the final manuscript for publication, acknowledgement is also made.

Frederic B. Crossley,
Supervisor.

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CHAPTER I

HISTORY, THEORY, AND PRACTICE OF PAROLE

CHAPTER I.

Part 1.

P A R O L E.

In this report the word "parole" is interpreted as meaning "a method by which prisoners who have served a portion of their sentences are released from penal institutions under the continued custody of the state upon conditions which permit their re-incarceration in the event of misbehavior. It is to be distinguished from probation, which provides, like parole, for freedom under supervision, but which, unlike parole, is granted before, rather than after, a period of imprisonment. It is also to be distinguished from pardon, which, unlike parole, affords a restoration of citizenship and complete freedom, under no supervision, without the right of re-imprisonment." (United States National Commission on Law Observance). This report, in the main, will deal only with the method of releasing adults from penal institutions and not with paroles from juvenile or mental institutions.

The term "parole" is derived from the French "parole" meaning a "Word", and is defined by Webster as "a word of honor", or "a plighted faith." In England it is known as "ticket of leave" and throughout Europe as "conditional liberation"; parole in the form in which we know it today is used only in the United States and has been developed here during the past fifty years. The origin of this idea, however, goes back much farther. In Great Britain a system of what is known here as parole developed shortly after 1837 in the convict colony of Australia where the prisoner rose from the "probation gang" where he worked in chains, through several grades to "ticket of leave" man, which was followed in

time by complete release.

Shortly after this plan had been working in Australia it was adopted with modifications in England and in Irish convict prisons, becoming known later as the Crofton System. This plan, adopted about 1840 by Sir Walter Crofton, Director of Irish convict prisons, had in view the return of the convict as a useful member of society, and it provided that the prisoner should first serve a period of solitary incarceration in a cell, followed by a state of "progressive classification", consisting of five classes. Prisoners would advance according to credit merits received in each class, promotion through all classes taking from three to four years. Before given his ticket of leave, prisoner was placed in what was termed an intermediate prison where the inmates were housed in movable iron huts and were occupied in farming and manufacturing, the object being to test the prisoner's self control and reformation under outside conditions for a period of not less than six months before giving him his freedom. One result was that from the time of admission, the prisoner had, to some extent, his fate in his own hands.

The English system of conditional release on license was adopted about 1853 and was modeled after the system of Captain Alexander Maconochie, who, in 1840 was placed in charge of the largest and most difficult of the English penal colonies in New South Wales. Maconochie was doubtless acquainted with the Irish system and believed that many of the criminals in his charge might be reformed, and his plan was to develop a system which would gradually prepare them for return to society. Part of this plan provided for the division of his prisoners into three grades with a system of marks which were given as the basis for promotion.

and eventual release. In this way the prisoner was able to earn his release instead of waiting for the expiration of a definite period of time. The final state was the "ticket of leave" established in 1847. This was the origin of the modern system of parole, but the English system was adopted as a means of relieving congestion within the prison and involved no control over prisoners after release. It was developed without reference to an indefinite sentence; was used principally to improve prison discipline; involves little effort to select prisoners on a scientific basis, and provided no after-care of licensed prisoners by trained agents in the pay of the state. In 1871 Parliament passed the Prevention of Crimes Act which required police to maintain surveillance over all recidivists over a period of seven years subsequent to release and at the present time licensed prisoners report monthly to the police. The work of providing employment and care is carried on by private agencies operating with a government subsidy organized on a national basis by the Central Discharged Prisoners Aid Society. A similar organization of private agencies, the Borstal Association, assists in the release, placement, and supervision of juvenile and adult offenders. The work of these agencies is carried on through unpaid volunteers. The English system of license, it will be seen, therefore, differs materially from the American system of parole.

In 1866 Gaylord B. Hubbell, warden of Sing Sing prison was sent to Ireland to investigate the operation of the Crofton System, with the result that he recommended its introduction into New York in a report to the New York Prison Association.

In 1868 the New York Prison Association recommended the erection of a new prison partly for the reason that it would

offer an opportunity to test the Irish system of prison discipline under favorable circumstances.

This recommendation resulted in 1876 in the erection of Elmira Reformatory and it was proposed in 1869 by the commission that, "when the sentence of a criminal is regularly less than five years, the sentence to the reformatory shall be until reformation, not exceeding five years". The Act of 1869, however, applied the Irish system of training, marks and grades and conditional release, but did not include the recommendation of indefinite sentence.

The first law in the United States providing for indefinite sentence was enacted by the legislature of Michigan in 1869 upon the recommendation of Zebulon R. Brockway. This law is known as the "Three Years Law", and provided for a maximum sentence of three years for prostitutes, to be released sooner by the Board of Managers upon given evidence of reformation. In 1870, Brockway presented a bill to the Michigan legislature providing indeterminate sentence for offenders sentenced to the House of Correction. This bill, which would have provided an absolutely indeterminate sentence, failed in passage, and this feature has never been enacted into law in any jurisdiction, the so-called "indeterminate sentence" law at present in force in most state jurisdictions providing actually for indefinite sentences rather than indeterminate.

In October 1870, the first American Prison Congress met at Cincinnati, Ohio, and to this meeting is attributed the later organization of the American Prison Association and the International Prison Congress. Rutherford B. Hayes presided, and Mr. Brockway presented a paper advocating indefinite sentence on the ground that it made possible the preventive restraint and constructive training of first offenders; simplified penal discipline by offering

an incentive to reformation; and caused the term of detention to be fixed on the basis of more expert knowledge. As a result of Mr. Brockway's presentation, one of the twenty-eight "Declarations of Principles" adopted by this first Congress recommended that peremptory sentences be replaced by those of indeterminate length, that sentences limited only by satisfactory proof of reformation should be substituted for those measured by mere lapse of time.

In 1876 the Elmira Reformatory was prepared for the reception of inmates with Mr. Brockway as Superintendent. In 1877 he presented an Act to the legislature providing for the government of the institution. Under his first plan sentences were to be without maximum or minimum, with right to grant or refuse relief vested solely in the Board of Managers - a completely indeterminate sentence. But it soon became apparent that antagonistic public sentiment would prevent the passage of a bill with these provisions and it was, therefore, modified so as to limit the sentence to "the maximum term provided by law for the crime for which the prisoner was convicted and sentenced", and to place in the Board of Managers power to parole prisoners when a system of marks and credits indicated a satisfactory degree of reformation, and to re-imprison, finally discharge, or hold in custody until the expiration of the maximum term.

In this modified form the bill finally passed, and in this institution, the first in the United States to bear the name "reformatory", the "indefinite", or as it is generally termed "indeterminate" sentence had its first practical application, and parole was used here for the first time in the United States.

The basic element of Mr. Brockway's whole reformatory idea was that the state should provide an institution prepared and

equipped to educate prisoners and to train them in trades and in their civic and moral responsibilities. Indefinite sentence and parole were believed vital to the attainment of this purpose.

Adoption of the reformatory idea as expressed in New York legislature in 1877 followed rapidly in different states, and in 1934 there were some twenty-eight adult reformatories for men in the United States.

For some years indefinite sentence was applied only to reformatory inmates, but in many states the maximum age for sentence to reformatory was raised to thirty years. The restriction to reformatories of the enlarged power to parole through application of indefinite sentence may be attributed largely to two factors: first, the theory that reformation of the type of offenders confined in reformatories was more possible than in the case of the type of offenders confined in a prison; and, second, that the first advocates of the indefinite or indeterminate sentence had little or no belief in the retributive and deterring theories of punishment, but did believe that the justification of punishment rested quite entirely on the obligations to protect society by confining the criminal until he had reformed and had been adjudged fit to be released. They advocated study of the individual during the time of his confinement for the purpose of assisting him to re-establish himself and for the purpose of testing the probabilities of his good conduct after release and for the purpose of further testing his reformation by parole or conditional release.

Up to 1884 indefinite sentence was applied only to reformatories and in that year it was for the first time applied to prisoners in a penitentiary by the State of Ohio, Michigan was next in 1889, and by 1900, New York, Minnesota, Massachusetts, Illinois

and Indiana had followed Ohio.

In 1893 California enacted legislation providing for a parole system, but did not provide for indefinite sentence until 1917. Until 1931, parole and indefinite sentence were administered by the State Board of Prison Directors and in 1931 the present Board of Prison Terms and Paroles was created as a Division of the State Department of Penology and assumed all of the jurisdiction over indefinite sentence and parole heretofore vested in the State Board of Prison Directors.

From the foregoing it will be noted that the use of parole has spread more rapidly than the indefinite sentence system, although both are essential to the application of either - the State of Mississippi is the only state jurisdiction where a parole law has not been enacted - and today more than seventy-five per cent of all released from incarceration are by parole; in many jurisdictions without regard to the nature of the original offense or likelihood of reform.

PART 2.

THEORY OF PAROLE

In theory, parole is not based upon any consideration for the offender. In its origin it was used as a factor in the development of the reformatory system and provided a means for testing the degree to which the training in the reformatory had fitted the parolee to live a free life in the community. If he failed to meet the test, he would be returned for further training, and, if he succeeded, he would be restored to citizenship.

The entire idea of parole, in its origin, was that the inmate of a reformatory needed certain discipline and training to

fit him for good citizenship and that it was the function of the state to attempt to qualify him for good citizenship by requiring him, while in confinement, to undergo such training as seemed advisable and then to test the result by release for a period under supervision. The aim was rehabilitation rather than retribution or deterrence and this was based upon the theory that the majority of prisoners were capable of reformation. In this connection it should be remembered that, in its origin, parole was intended only for reformatory inmates, for those guilty of misdemeanors rather than felonies.

Mr. Brockway's belief was that reformation could be accomplished by education and that the vital principle was "training by doing", or as he has stated "the entire life of the prisoner should be directed, not left to the prisoner himself; all his waking hours and activities, bodily and mental habits, also, to the utmost possible extent, his emotional exercises. So thorough and rigorous should this be that unconscious cerebration, waking or sleeping, will go under momentum of mental habits." In other words, the prisoner's character should be transformed without his conscious effort or choice.

With this plan, indefinite or indeterminate sentence was an essential feature, because it gave the institution authority to hold the prisoner until he was believed to be fit for release and it secured his co-operation in the effort to bring about his reformation, the test of this to be his release under supervised parole. Parole, as originally conceived, was but a subordinate factor in the reformatory system, a process for testing the result of the major factor of institutional training.

The adoption of the theory of indefinite sentence and parole

was a clear departure from the theories heretofore dominant - retribution and deterrence - and substituted the theory that, while the object of penal laws was the protection of society, this protection could be best secured by reformation, not revenge, and that sentences should be for the purpose of securing reformation, and because no court could determine how long this process would take, the power to discharge should be placed in the hands of some authority having knowledge of the prisoners reaction to the reformatory training rather than left in the hands of the court.

Perhaps the reasoning of the supporters of indeterminate sentence and parole might be more clearly stated by the fact that the convicted person is believed to be socially ill, the reformatory is the hospital, and like the person who when physically ill is committed to a hospital, he is to be released when cured. At the time of commitment it cannot be told what length of time will be required to effect a cure and the time of discharge can only be properly ascertained by the authority constantly observing the effect of the treatment in the institution. To make more certain that a cure has been effected, instead of being completely discharged, the reformatory inmate is placed on parole, but is still in custody for the purpose of further observation and so that he may be returned to the institution if it is found that the social illness has not been cured.

It is further contended, in support of indefinite sentence and parole, that paroling authorities rather than courts should fix the term of imprisonments, because by centralization of authority the paroling authorities are able to administer justice more uniformly and hence more satisfactorily. This contention

is based upon the fact that a study of prison records generally will reveal that persons found guilty of commission of similar offenses in the same jurisdiction will be given widely different sentences due perhaps to the effect of public sentiment upon the court, or to the varying points of view of different judges. While in confinement notes are compared and the one who received the lighter sentence feels that he has been able to "put one over on the court and this lessens his respect for law, whereas the one who has received the heavier sentence feels that justice has not been fairly administered and this tends to strengthen or develop an anti-social attitude.

In theory, then, parole is not clemency or leniency and is not based upon consideration of the offender. It is a part of the course of treatment adopted by the state for violators of the law and its purpose is the protection of society. In an address before the American Prison Association in 1916, Warren F. Spalding clearly stated the theory upon which parole is based, as follows: A parole does not release the parolee from custody, it does not discharge or absolve him from the penal consequences of his act; it does not wash away the stain or remit the penalty; it does not (as a pardon does) reverse the judgment of the court or declare him to have been innocent or affect the record against him.... it is not an act of grace or of mercy, of clemency or leniency. The granting of a parole is merely permission to a prisoner to serve a portion of his sentence outside the walls of the prison. He continues to be in the custody of the authorities, both legally and actually and is still under restraint. The sentence is in full force and at any time when he does not comply with the conditions upon which he was released, or does not conduct

himself properly, he may be returned, for his own good and in the public interest."

In brief, the original theory of indefinite sentence and parole was that the purpose of punishment was reformation, (correction or amendment of life or manner - or of anything corrupt or vicious, especially a thorough making over from the beginning or foundation." - Webster) and that a release by parole should only take place after reformation had been effected. It was intended to apply originally only to reformatories containing those found guilty of minor offenses or first offenders, and it was the theory that reformatories would be provided with facilities for training and for observation not existent in penitentiaries. Further, that the real purpose should be the protection of society, not leniency to the offender, not reduction of the expense of maintaining penal institutions.

PART 3.

PAROLE IN PRACTICE

The practice now general throughout the United States of extending indefinite sentence and parole to prisons and penitentiaries and the method of administering the system has brought about a departure from the original theory and purpose. Little attention is given in most jurisdictions to training in the sense originally intended, to real study to ascertain the fitness of the offender for return to society, or for adequate supervision after his release. In most instances parole occurs for the purpose of reducing the prison population to relieve congestion, or to reduce state expense, for reasons of sentiment or for the purpose of inducing good conduct while in confinement. Approximately today more than seventy-five per cent of all releases from penal

institutions are by way of parole and the result of "training", and supervision after parole may be illustrated to some extent by the fact that in Illinois in 1933 there were 8,631 persons reported on parole and in the same year 1,209 were reported as "on escape" during the year with 146 of those "on escape" returned.

It is often stated that indefinite sentence and parole operate to reduce the period of confinement, but this does not seem to be the fact. Where studies have been made of this phase of the system, the reports uniformly are to the effect that the average period of confinement has been increased under indefinite sentence. This is said to be true in California, Massachusetts and Illinois by the prison administrators of these respective states. But, while this may be a fact, it is equally true that, if it were not for the adoption of indefinite sentence legislation might have provided for increases in time of confinement.

While it is doubtless true that indefinite sentence has not decreased the average period of confinement, it is equally true that extension of parole to prisons and penitentiaries brought about a departure from the original basic idea of both indefinite sentence and parole, which was training and reformation for minor offenders who might be capable of reformation, and has resulted in the main in the release of thousands of persons annually who have had no real training and who have given no real evidence of reformation. That this is true is seen in part in results of parole furnished in the statistical section of this report and in a study of the statistics relating to recidivism. In fact, as stated by Dr. Wilcox in the report of the Pennsylvania State Parole Commission to the legislature of that State, "parole is thus coming to be regarded as an administrative expedient of

general applicability, and that prison managers generally favor parole chiefly because "the power possessed by the state, under parole laws, to grant or refuse release from prison provides penal administrators with a club which is even more effective than the old "good time" laws in inducing internal discipline", and because it offers a method of reducing over-crowded prison population. In other words, there has been, to a great extent, a departure from the original purpose of indefinite sentence and parole which had in view basically, reformation, to the application of the system for disciplinary and economic purposes.

The departure from the original reformatory purposes of indefinite sentence and parole and its adoption as a general prison administration expedient does not necessarily detract from its value. As a matter of fact, studies of the results of the application of indefinite sentence and parole for purely reformatory purposes may well raise a question as to its success. The theory is idealistic, but the extent to which actual reform of the individual may be achieved by any process of education, training, or supervision while serving time inside or outside prison walls seems problematical, at least in so far as a large majority of offenders are concerned. This fact is shown by the large number of repeaters or recidivists and parole violators, and such studies as "Five Hundred Criminal Careers" by Sheldon and Eleanor J. Glueck. It is possible to ascertain with some definiteness for recent years, in some jurisdictions, the number of persons apprehended each year who have a prior institutional or court record of some sort and it is safe to say that such offenders will average not less than fifty per cent of the total apprehensions. To be sure

not all of this fifty per cent have had the benefit of "institutional training", at least not the training supposed to bring about reformation and all of them have not been on parole but all have had that contact with the law which should have induced what is generally called "reformation."

In so far as reformative results of parole are concerned, the statistics for the most part are not altogether informative because so obviously unreliable in that generally if a parolee is not re-apprehended and identified he is usually considered a reconstructed citizen. In jurisdictions where any supervision is pretended the "case load" is generally so heavy as to make any idea of real supervision absurd.

Possibly it would be better to frankly admit that reformation is not the main object of parole and indefinite sentence and that they exist for economic reasons, the public to be safeguarded by careful and scientific selection of parolee and adequate facilities for training the prisoner while in confinement to become a harmless if not useful member of society when released.

Anyone who has any acquaintance with prevailing modern theories concerning treatment of criminal offenders must admit that indefinite sentence and parole are and should be a permanent part of the system of criminal administration if for no other reason than the adoption of any or all of the alternatives would effect no improvement, considered either from the standpoint of the welfare of society or of the offender. The alternatives are clearly and concisely stated in the report of the United States National Commission on Law Observance (Wickersham Report) as follows:

"Most prisoners must be released at one time or another. A few convicts, it is true, are hanged or electrocuted. But society will permit this only in the case of one or two extremely serious offenses. A few are held in confinement until they die. But sen-

tences long enough to accomplish this result are rarely imposed. Most prisoners walk out into the world again, to their families, to their friends, to their work and, perhaps, to their careers of crime. Social security necessitates their confinement under the watch of armed guards within stone walls and iron bars on Monday. On Tuesday they are at large in the community. If the limitations of parole are not imposed upon them, under what conditions will they be released?

Suppose the prisoner is held to serve the last day of the period exacted of him by law. He must then be released. He may be a feeble-minded, epilectic, or psychopathic offender. He may be a habitual or a professional criminal. Still he goes out, an almost inevitable menace to the peace of the community. He goes out with the feeling that he has paid his debts to society in full, that he may proceed at once to levy tribute on his fellows for the time perhaps without friends to help him. If he makes for himself a useful place in the life of the community, it is little less than miraculous.

Suppose the prisoner has been released under the operation of an automatic time allowance for good conduct within the institution, here again, society is guaranteed no adequate protection, for it is the universal testimony of penal administrators that the most dangerous of criminals to society invariably maintain the best of prison records. Under the mechanical operation of the commutation measure, release must be given before the prisoner's whole term has been served. There is no possibility of exacting from the more dangerous men that greater period of confinement which may be required under the system of parole.

"There is but one other means by which prisoners are regu-

larly returned to society: that is by the exercise of executive clemency. The Governor's pardon, however, carries with it the implication of innocence, of society's forgiveness for the offense which has been committed. It, therefore, should never be used as a regular process, applicable to every prisoner.

"These are the alternatives to parole. If a convict be pardoned, if he be released under the operation of the "good time" statute, or if he be held to serve his whole term and then returned loose, he goes out as a free man. The state has lost its control; society is no longer safe. Unless we are to extend greatly our use of capital punishment and life imprisonment, we must choose one of these four methods of release. Certainly hard common sense should dictate the adoption of that administrative expedient which possesses the greatest protective value. The safest of these four possible methods of release is parole."

If it is conceded that indefinite sentence and parole are the best known plans for determining length of sentence and period and conditions of release, it must also be conceded that at present the results of the application of these plans are generally unsatisfactory so far as results can be definitely ascertained. Where results appear to be fairly satisfactory a cursory study will show that any improvement over the general situation is due to methods of administration. Suggestions for improvement in administration will be found in the concluding chapter of this report.

CHAPTER II

COMPARATIVE STATEMENT OF LAWS GOVERNING CONSTITUTION AND POWERS OF PAROLE BOARDS, ELIGIBILITY FOR PAROLE, DISCHARGE, METHOD OF RELEASE, PENALTY FOR VIOLATION, HABITUAL CRIMINAL ACTS, SUSPENSION OF SENTENCE, INDEFINITE SENTENCE, PROBATION IN FELONY CASES

CHAPTER II

Part 1.

COMPARISON OF LAWS

(See Tabular Summary Pages 147-159)

SUMMARY OF STATUTORY PROVISIONS FOR PAROLE SYSTEMS IN CALIFORNIA, ILLINOIS, MASSACHUSETTS, NEW YORK, UNITED STATES (FEDERAL), AND WASHINGTON (STATE).

PAROLE BOARD - Method of Appointment, Qualifications and Restrictions.

CALIFORNIA

Chairman and two other members appointed by the Governor -(without consent Senate), for a term of four years.

Salary: Chairman, \$6,000 per year. Other members, \$5,000 per year.

Restrictions: None as to special qualifications, full time, or political activities.

Majority constitutes quorum.

(For California County Parole Law, see Exhibit A)

ILLINOIS

One supervisor and six other members all appointed by the Governor, with advice of Senate. Term -- two years.

Salary: Supervisor, \$6,000; other members, \$5,000. Bond, \$10,000.

Restrictions: None as to special qualifications, full time or political activities.

Majority constitutes quorum.

MASSACHUSETTS

Three members appointed by the Governor, with advice and consent

of council for a term of three years. Chairman appointed by the Governor.

Salary: Chairman, \$5,500; other members, \$4,500.

Restrictions: None as to special qualifications, full time or political activities.

Majority constitutes a quorum.

NEW YORK

Three members appointed by the Governor, with consent of the Senate. Term -- six years.

Salary: \$12,000 per year.

Restrictions: Whole time; no other public office; nor serve as representative of any political party on an executive commission or other governing body thereof; no special qualifications.

Unanimous vote on parole hearings; majority - other matters.

Board of Parole appoints administrative officer at \$9,000 and expenses; Chief Parole Officer, \$6,000; three case supervisors at \$4,000; employment director at \$4,000; parole officers at \$3,000 and expenses, sufficient in number so that no officer shall supervise more than 75 at one time.

PAROLE COMMISSION FOR FIRST CLASS CITIES (NEW YORK)

Parole Commission for first-class cities created by Board of Estimate and Appointment. Three full time members with Commissioner of Correction and Police Commissioner as members ex-officio. Term -- six years.

Appointed by the Mayor.

Salary: Not in Act. (To be determined by appointing board).

Restrictions: Whole time for three appointive members.

UNITED STATES (FEDERAL)

Three members appointed by Attorney General for indefinite term.

Salary: \$7,500.00 per year.

Restrictions: None as to special qualifications; statutory restrictions for government employees apply as to political activities and other employment.

Majority constitutes quorum.

WASHINGTON (STATE)

Chairman and two other members appointed by the Governor, with advice and consent of Senate. Term -- six years.

Chairman elected thereafter by the board on occurrence of vacancy.

Salary: Chairman, \$4,000.00; others, \$3,500.00 and expenses.

Restrictions: Engage in no other business or profession; nor at time of appointment or during incumbency serve as representative of any political party on an executive committee or other governing body or as executive officer or employee of any political committee or association.

Majority constitutes quorum.

PART 2

PAROLE BOARD - POWERS AND FUNCTIONS

CALIFORNIA

Power to establish rules and regulations for the parole of prisoners; to grant and, for stated cause, revoke parole, to determine and redetermine length of confinement of prisoners in all state penal institutions any time after six months of sentence served; statutory restrictions: that prisoner serve not less than one-half the minimum term - nor less than one year for first offenders, and not less than two years for second offenders, and

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not more than the maximum term; may report to the governor the name of those prisoners they believe are entitled to commutation of sentence or of pardon.

Prisoner may, but need not file application for parole, as parole board keeps calendar of cases to be acted on.

The legal custody of prisoner while he is on parole is in the Board of Prison Directors.

ILLINOIS

Power to establish rules and regulations for the parole of prisoners; to grant or revoke paroles; to determine period of confinement in indeterminate sentence; prisoner must file application for parole; parolee remains under legal custody and control of Department of Public Welfare.

MASSACHUSETTS

Power to establish rules and regulations for parole of prisoners; to grant and / or cancel parole; to determine length of confinement in all state penal institutions, with statutory restrictions that no parole be granted to prisoner in the Massachusetts Reformatory until he has served one year and no parole be granted to prisoner confined in state prison until he has served minimum term but not less than two and one-half years; sits as advisory board of pardons on all cases of pardons and commutations of sentence; prisoner files application with parole board for permit to be at liberty.

Commissioner of Correction has legal custody of the prisoner while prisoner is on parole.

NEW YORK

Power to establish rules and regulations for the parole of prisoners; to grant or cancel parole, to determine and fix period

of confinement for all prisoners in state prisons; to supervise parolees; parolee remains under legal custody of the Warden.

UNITED STATES (FEDERAL)

Power to establish rules and regulations for the parole of prisoners; consider application for parole from prisoners in Federal Prisons or from Warden to Parole Board on behalf of a prisoner confined under his care; to grant or revoke paroles; appoints the parole officer in each prison under whose supervision the paroled convict remains while at large; the legal custody of the prisoner is in the Warden of the prison from which the convict was paroled.

WASHINGTON (STATE)

Power to establish rules and regulations for the parole of prisoners; also to revoke parole, and to determine and fix the term of confinement, in indeterminate cases within six months after admission, subject to fixed minimum sentences provided in statute for certain offenses. 1935 Act requires sentencing judge and prosecuting attorney to indicate to Board of Prison Terms and Parole what in their judgment should be the duration of convicted person's imprisonment. Prisoner files application for parole. (Governor may also cancel or revoke paroles).

PART 3..

ELIGIBILITY FOR PAROLE

a. When Eligible; b. Terms and Conditions for Parole; c. Effect on Parole Previous Offense; d. Persons Not Eligible for Parole.

CALIFORNIA

. All prisoners except those on death sentence and those on fourth conviction of a felony who are adjudged habitual criminals, are

eligible for parole in the discretion of the parole board, after the expiration of one-half the minimum sentence for the offense, less good conduct credits. Not less than one year for first offenders. Minimum term of five years if armed at commission of crime or at time of arrest, if so charged and found to be true. While the term of confinement fixed by Parole Board must not be less than minimum term provided by law, it is also provided that in cases of parole not otherwise specifically provided for in section 71168 of Penal Code, or if this section does not specifically provide such minimum sentence, then by other provisions of law in which the minimum term is more than one year, the prisoner may be paroled at any time after the expiration of one-half the minimum term provided by law for the offense of which he was convicted, with benefit of credits but in no case shall he be paroled until he has served one calendar year, and in any case the matter of period of confinement and parole may be determined by the board at any time after the expiration of six months from and after the actual commencement of such imprisonment. No prisoner who has served a previous sentence in a state prison in this or any other state or in a Federal Penitentiary may be paroled until he has served at least two calendar years. In case of cumulative or consecutive sentences he must serve at least two calendar years of the aggregate time. In case of conviction for escape or attempt to escape he must serve at least two calendar years after such conviction. Life termers who are not adjudged habitual criminals, must serve seven calendar years; life termers who have been adjudged a hab-

itual criminal after three felony convictions must serve twelve calendar years; life term adjudged habitual criminal after four convictions is ineligible for parole at any time.

In case of definite term - eligible after one year.

Where convicted for the second time of a felony and for the second time found to have been armed at the time of commission or at the time of arrest, the minimum term is ten years; on third such finding, fifteen years.

- b. Before being admitted to parole, the prisoner must have a job; he is forbidden to drive an automobile, truck, or motorcycle; associate with evil companions; engage in business for himself; marry; use intoxicants or drugs; leave the county of his parole residence without permission; must obey the law; must report monthly to parole office on form furnished.

Parole Board may revoke all good time credits when parole is violated. No statutory requirement to report, or requiring visitation by parole officer. Prisoner, while on parole, remains in the custody of the Board of Prison Directors for the balance of the maximum sentence fixed by the Board of Parole.

- c. Third felony conviction from group of specified felonies with finding of habitual criminal, eligible to parole after twelve years; life term after fourth felony conviction with finding of habitual criminal not eligible to parole at any time.

One who has served a term for petty theft who again commits petty theft is punishable as tho he had committed a felony, that is, to a term in the state prison not exceeding five years.

The commission of a felony after having served a term for petty theft increases the penalty to a term not exceeding ten years, if the felony is one that is punishable by a term exceeding five

years as a first offense; it may become punishable for the maximum period but not less than a minimum of five years.

Minimum sentence for second conviction of felony is five years; and second conviction of being armed at the time of commission of offense or at time of arrest - minimum sentence is ten years; minimum serving of sentence for parole purpose is one-half of minimum sentence, less time off for good conduct, but not less than two years.

In cases of cumulative or consecutive sentences offender is eligible after serving one-half of combined minimum term, but not less than two years.

- d. Only those on sentence to death and adjudged habitual criminals after four convictions.

ILLINOIS

- a. Persons convicted and sentenced under indeterminate sentence are eligible for parole after minimum term has been served - less credits. In cases of misprison, of treason, murder, rape, and kidnaping, the jury shall fix the term of imprisonment, if tried by a jury; if by the court, then court fixes the term of imprisonment. The above offenses are not eligible for indeterminate sentence. If court or jury fixed the term at life imprisonment, then eligible for parole at end of twenty years; if a definite term less than life, eligible for parole after the minimum sentence provided for the offense, but not less than one-third of definite sentence must be served, less allowance for good time credits.

In all other cases of first offenders prisoner receives benefit

of indeterminate sentence law.

Second offenders are sentenced to serve maximum term, but are eligible for parole after expiration of minimum but not less than one-third of maximum sentence.

Third offenders are sentenced to definite term, and are eligible to parole after serving not less than fifteen years.

The second and third offense must be charged in the indictment or the information and must be proven.

Fourth offenders - no provision.

- b. Parolee is required to have a job awaiting him; some reliable person to sponsor him if he is to remain in Chicago; report monthly (statutory requirement); forbidden to carry weapons of any kind; frequent disreputable establishments; associate with one who has a police record; write or visit inmate of penal or correctional institution; use narcotics, liquor in excess; marry without permission of parole board; drive or ride in automobile for pleasure, stay out after 9:30 P. M., or leave the county to which he is paroled.

Good time credits are allowed not only for time faithfully served in prison but also for good time faithfully served on parole.

- c. Second and third offenders who having once committed any one of the following offenses again commits any of them: Burglary, Grand Larceny, Horse Stealing, Robbery, Forgery, Counterfeiting - are eligible for parole after serving at least one-third of sentence; in case of third offenders - eligible when they have served at least fifteen years.

- d. Only those under sentence of death.

MASSACHUSETTS

- a. When confined in state prison parole is discretionary with the board after prisoner has served minimum term less good conduct

credits, but not less than two and one-half years.

In Massachusetts Reformatory parole is discretionary with board after prisoner has reformed, but not less than one year.

Cumulative or consecutive sentence; only after the expiration of the combined minimum terms may parole board use its discretion to grant parole. Life term; within sixty days after fifteen years of sentence board of parole sits as advisory board of pardons and reports its findings to the Governor for action.

Second term; no increase in penalty necessarily imposed. Previous conviction taken into consideration on imposition of the sentence and on granting of parole.

- b. Rules of parole board require that prisoner must submit a certificate signed by prospective employer certifying that he will have a job, which certificate must be examined by an agent of the board and approved by the board; some friend must sign a statement that he will guarantee a place for applicant to live either in guarantor's own home or elsewhere; parolee must be placed in charge of a paid agent; must report periodically to parole office; must be visited by agent; must agree not to break any law of the state and to live up to all rules and regulations specified in his particular case. Parolee remains in the legal custody of the board of parole.
- c. Habitual Criminal: Sentence is definite and for maximum period provided for the offense. Must have been sentenced and committed on two prior occasions in Massachusetts or elsewhere, for terms of at least three years each. Parole is granted by the Governor with the advice and consent of his council on report of the advisory pardon board that prisoner has probably reformed.
- d. Persons sentenced to death.

NEW YORK

a. All prisoners are eligible for parole; excepting those convicted of murder (first or second degree), treason, kidnaping (unless recommended by jury) or commission of a felony while on parole as follows:

First offenders may be paroled after having served the minimum sentence imposed by the court, but not until one year has been served; except that, first offenders convicted of: first degree burglary, robbery or attempt to commit such, are not eligible for parole until after serving - ten years; second degree murder - after serving twenty years; kidnaping after serving - twenty years (if the jury recommend); second and third offender convicted of a felony or an attempt to commit such - after an imprisonment term, which shall not be less than the longest term prescribed upon a first conviction; fourth or subsequent offender convicted of a felony (except murder, first or second degree), treason, or an attempt to commit such - after he has served the maximum term for first offenders for the crime, but not less than fifteen years; prisoners given indeterminate sentence, the maximum of which may be life, after serving minimum term.

b. The parole board has authority to adopt general rules with regard to conditions and shall specify them in writing. These conditions may require parolee to abandon evil associates; contribute to the support of his dependants; report to his parole officers; prohibit him leaving the state, etc. The parole release must be signed by parolee. In cases of parole or probation, the New York State authorizes only adoption of rules by the board which may include the report to parole or probation officers. In cases of parole - such authority is given to the board of parole, section #215,

Correction Law. In cases of probation, to the court, section #483, Code Criminal Procedure. Time served on parole as well as credit for good conduct is part of sentence up to the time of delinquency. Custody of prisoner on parole is in warden of institution from which prisoner was paroled.

. Increases the term of imprisonment after which parole may be granted.

. Prisoners under a definite sentence, to wit: murder (first or second degree), treason, kidnaping or the commission of a felony while on parole, are not eligible for parole. (Governor may commute sentence, in which case prisoner is on parole for balance of period of sentence).

UNITED STATES (FEDERAL)

Every prisoner confined in a United States Penitentiary, Prison or Reformatory, and not sentenced to death, is eligible for parole if he has a "good conduct record." Every prisoner convicted of an offense against the United States Government and confined in any state reformatory or jail, if the state has a parole law for its prisoners, is eligible for parole on the same terms as a state prisoner, subject to approval by the United States Board of Parole.

. Every prisoner confined for more than one year if sentenced for a definite term is eligible for parole at the expiration of one-third of sentence, in the discretion of the parole board; life termers - after serving not less than fifteen years.

There is no habitual criminal statute for federal offenders but subsequent offenses may provide a heavier penalty.

. Terms and conditions prescribed by parole board; statute provides conditions may include personal reports from prisoners; that he may be authorized to return to his home; if an alien,

- may be turned over to immigration authorities for deportation.
- c. Parole discretionary with parole board no matter how many previous offenses committed.
 - d. All prisoners except those sentenced to death, are eligible for parole. Any prisoner who shall have served the term or terms for which he shall be sentenced less deduction for good conduct, shall upon release be treated as if released on parole ---until the expiration of the maximum term specified in his sentence.

WASHINGTON (STATE)

All prisoners are eligible for parole excepting those convicted of treason, murder (first degree), carnal knowledge of child under ten years, or habitual criminal who has been given a life sentence.

- a. Prisoner is eligible for parole when he has served the period of confinement fixed for him, less good conduct credits. Credits must not exceed one-third of sentence.
- b. Board of Prison Terms and Paroles authorized to establish rules and regulations relating to terms and conditions of parole and, in its discretion, may revoke all or portion of credits earned or to be earned in cases where parole conditions have been violated. Parolee remains under supervision of board of parole until expiration of the maximum term of sentence. Statute does not require parolee to report. Parolee is in custody of Parole board.
- c. Prisoner previously convicted of a felony, in Washington or elsewhere, and who was armed with a deadly weapon at the time of the offense, or a concealed deadly weapon at time of arrest, shall be confined not less than seven and one-half years.

Prisoner previously convicted of a felony or who has twice before been convicted of petty larceny or misdemeanors of which fraud

is an element; or twice before convicted of petty theft, or fraud, shall be punished by imprisonment in the State Penitentiary for not less than ten years; any prisoner convicted of felony, petty larceny or fraud, who has twice before been convicted of a felony or four times convicted of petty larceny or fraud, shall be adjudged a habitual criminal and sentenced for life; not eligible for parole. There must be a charge in the indictment or information that the defendant has previously committed the prior offense on which a habitual finding is made by court. It is judicially determined even tho sometimes somewhat informally as when the state offers no proof but defendant admits prior convictions.

- d. Habitual criminal if sentenced for life; persons found guilty of treason, murder (first or second degree); carnal knowledge of child under ten years, robbery, assault (in the first degree), burglary (in the first degree), rape, or a second conviction of felony. This section does not apply to minors who are sentenced to confinement in the reformatory.

PART 4.

DISCHARGE - ABSOLUTE AND CONDITIONAL

CALIFORNIA

Prisoner receives an absolute discharge only upon completion of maximum term of sentence. The parole is a conditional discharge on conditions named by parole board, to be made absolute only at expiration of the maximum term of sentence. The term fixed by the parole board becomes a definite term subject to change only after hearing by the parole board. Good conduct time must be earned and allowed by action of parole board. There

is no code provision for unconditional discharge of parolee or relieving him of necessity of furnishing monthly reports until the expiration of maximum term of sentence fixed by parole board.

ILLINOIS

Absolute discharge granted only upon expiration of full term of maximum sentence, but parolee who has served six months of his parole acceptably, (Department of Public Welfare may require longer period) may in discretion of board be ordered discharged before maximum term has been served. Order of discharge must be approved by Governor. (This is in the nature of a release or commutation of sentence).

MASSACHUSETTS

Where prisoner is serving a definite sentence, when completed less time off for good behavior, he may be granted a permit to be at liberty, under such terms and conditions as the board of parole provides. He remains under the control of the parole board until the term of his maximum sentence has expired. Sentences under the indeterminate sentence law become a definite term, when fixed by the parole board, subject to change only after hearing by board for infraction of the rules. Prisoner receives an absolute discharge only at the expiration of maximum term.

NEW YORK

No discharge from parole prior to the expiration of the maximum term of sentence; the board of parole may relieve a prisoner on parole from making further reports and permit him to leave the state or country.

UNITED STATES (FEDERAL)

Parolee is entitled to absolute discharge only after completion of the full term of sentence; time off for good conduct does not

entitle him to absolute discharge; prisoner is still on parole for balance of sentence.

WASHINGTON (STATE)

Release after serving full period of sentence less good conduct credits does not constitute termination; merely suspension for remainder of original maximum sentence. Parolee remains under legal custody of parole board for full period of maximum sentence. The time prisoner is on parole and complies with conditions of his parole is part of sentence.

PART 5.

METHOD OF PAROLE RELEASE

CALIFORNIA

Parole board on its own motion or on application filed by prisoner sets application for parole on calendar for hearing, thirty days before hearing for fixing sentence or granting parole. Notice of hearing is given to judge who sentenced prisoner, and to the district attorney and sheriff of the county from which prisoner was committed. Board fixes the conditions on which prisoner is released from prison. Prisoner must consent to the terms of parole.

ILLINOIS

Prisoner files application. Prior arrangements as to employment must accompany release.

MASSACHUSETTS

Prisoner files application for permit to be at liberty. The board of parole first determines if a prisoner has faithfully observed the rules of the prison and is otherwise a fit subject for release; they may issue a permit to be at liberty subject to statutory requirements as to time that must be served in confine-

ment upon such terms, conditions as the board sets forth for the balance of the unexpired maximum term.

Prisoner must consent to the terms of parole.

NEW YORK

Board of parole considers a release on parole at least one month prior to the expiration of the minimum term of each prisoner.

Release by unanimous vote only. No application required or accepted.

Remains in legal custody of warden and under supervision of parole officer, under such conditions as may be imposed by parole board.

UNITED STATES (FEDERAL)

Prisoner may make application to parole board. Warden of prison may bring to notice of parole board eligibility of prisoner for parole.

Remains in legal custody of warden and under supervision of parole officer, under such conditions as may be imposed by parole board.

WASHINGTON (STATE)

Board of Prison Terms and Paroles may direct that any prisoner having served minimum term of sentence less time credits shall be released on parole upon such terms and conditions as in their judgment they may prescribe in each case.

PART 5-A

PENALTY FOR VIOLATION OF PAROLE

(In all jurisdictions authority to revoke parole is vested in the board of parole and in the Governor).

CALIFORNIA

Time that paroled prisoner is at large until declared delinquent

counts as time served upon his sentence.

When re-committed for violation he is eligible for parole in the discretion of the board of parole.

Section #1168 provides that, in cases of re-commitment for violation, all or a portion of the credits earned or to be earned may be forfeited in the discretion of the board. No distinction between technical violation and commission of felony while on parole.

ILLINOIS

In computing the period of confinement, the time between release on parole and his delinquency shall be considered as part of the term of his sentence. Good time credits are allowed not only for time faithfully served in prison but also for good time faithfully served on parole.

MASSACHUSETTS

In computing the period of confinement, the time between release upon a permit or on parole and return to prison, shall not be considered as any part of the term of original sentence. At the first meeting of the board after return of prisoner, the board fixes the part of the maximum sentence the prisoner is to serve. Discretion is given parole board to again parole re-committed person. Section #149, Chapter #127, Laws, 1932, states: "a person who has been so returned to his place of confinement shall be detained therein according to the terms of his original sentence. If the original sentence was indeterminate, it is still indeterminate."

NEW YORK

Technical violation: Hearing by board. May require serving balance of maximum term - dating from delinquency.

Commission of felony while on parole: In addition to sentence for such felony and before beginning to serve such sentence, prisoner must serve in prison the portion remaining of maximum term of sentence upon which he was released on parole from time of release to expiration of maximum. Same penalty where felony committed in another jurisdiction. Not eligible for parole at any time.

UNITED STATES (FEDERAL)

In case of violation the time the prisoner was on parole shall not diminish the time he was originally sentenced to serve. Parole board retains discretion to again allow parole after recommitment; board has all the power formerly possessed by the attorney general in allowing or disallowing credits for good conduct.

WASHINGTON (STATE)

Forfeiture of all or a portion of good conduct credits is had for commission of any criminal act or for breaking of parole by violation of any rule or regulation made by the Parole Board, and can be ordered only after a hearing held by the Parole Board unless the parolee is an escapee.

There is no distinction between eligibility for parole when the parolee is returned for violation of the technical rules of the Parole Board or when he is returned for commission of a felony while on parole. In either case he is eligible for re-parole unless all credits have been forfeited.

FART 6.

HABITUAL CRIMINAL

CALIFORNIA

Those who are convicted of any felony who have twice before been

convicted and served two sentences for commission of certain specified felonies, sentence is for life, minimum time before parole granted - 12 years.

Those who are convicted of any felony who have three times before been convicted and served separate terms for certain specified offenses - sentence is for life - with no parole.

There must be a definite finding of habitual criminal.

Court has power, any time within sixty days of sentence, to declare that the defendant found guilty of the third or fourth felony is not a habitual criminal. Sentence is then for penalty provided for the offense as a repeater, but not the penalty provided for the habitual criminal. (1935)

ILLINOIS

All second and third offenders are deemed habitual criminals. Must serve maximum term. Eligible to parole after serving one-third of sentence for second termers, and at least fifteen years for third offenders.

MASSACHUSETTS

Persons convicted of a felony, who have twice before been sentenced and committed in Massachusetts or elsewhere, for terms in prison of at least three years each, are deemed habitual criminals. Sentence in such cases is for a definite term, the maximum term provided for the offense; unless sooner released by the Governor, the prisoner must serve the full term, less time off for good conduct.

May be paroled by Governor with advice and consent of his council on report of Advisory Pardon Board that prisoner has probably reformed. Prior convictions must be alleged and proven.

The onus of being a habitual criminal results from a conviction of being a habitual criminal. A charge of being a habitual criminal may be brought against one committing a felony in New York State who has previously been convicted of a felony in New York State, or one who commits a felony in New York State and has been previously convicted of three other felonies. That charge and conviction affects other conditions than punishment. There is increased punishment for second, third and fourth offenders for crime committed in any jurisdiction.

For second and third offenders, the punishment which for a first offender would be any term less than life, the minimum term is the longest term which can be given on a first conviction and the maximum shall be twice that term. For fourth offenders, committing a felony other than murder (first or second degree), or treason, the punishment is the same as for second and third offenders with the added restriction that the minimum in no case shall be less than fifteen years, and the maximum - his natural life. These provisions as to second, third, and fourth offenders do not apply when conviction is of separate counts or separate offenses joined in one action.

Discretion is vested in the parole board to grant parole after serving the minimum term.

UNITED STATES (FEDERAL)

There is no Federal statute defining habitual criminal.

WASHINGTON (STATE)

Habitual Criminal: Statutory definition with penalties is as follows: Any person convicted of a felony if previously convicted of a felony; any person convicted of a felony who has twice before been convicted of petty larceny or misdemeanors of which

fraud is an element; any person convicted of petty theft, or of fraud, who has twice before been convicted of petty theft or fraud; shall be punished by imprisonment in the state penitentiary for not less than ten years.

Any person convicted of felony, who has twice before been convicted of a felony or convicted of petty larceny or fraud, who has been four times convicted of petty larceny or fraud, shall be punished by imprisonment for life and not eligible for parole. There must be an allegation in the indictment or information and proof offered that the defendant has previously committed the prior offenses on which a habitual criminal finding is made by court. It is judicially determined, even though sometimes somewhat informally, as when the state offers no proof but defendant. admits prior convictions. There is no parole for prisoner more than once convicted of a felony committed in Washington State or elsewhere.

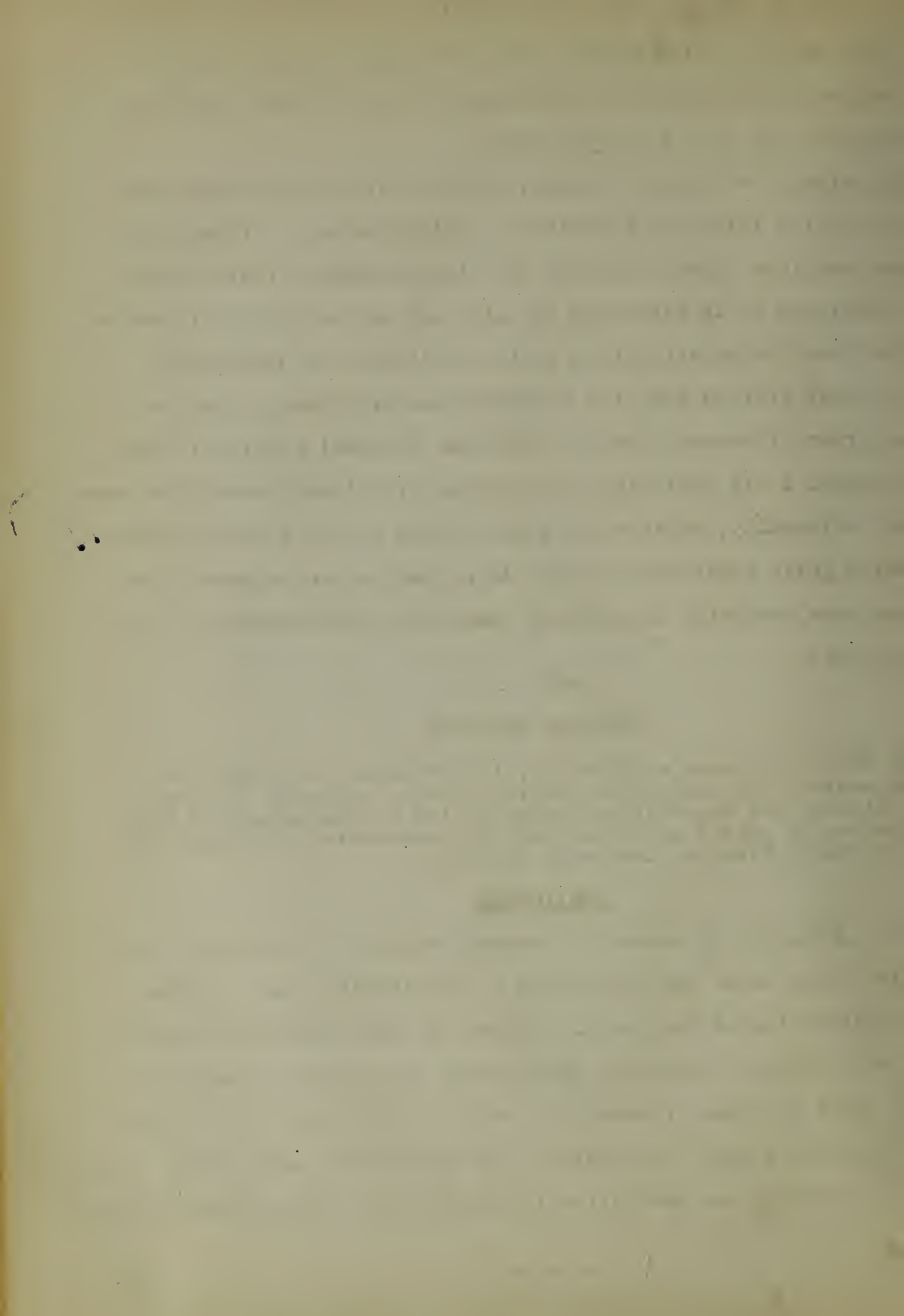
PART 7.

SUSPENDED SENTENCE

(a) Origin of court's authority; (b) Statutory authority for suspension; (c) Suspension before or after sentence; (d) Restrictions; (e) Supervision during period of suspension; (f) Expiration of period of suspension; (g) Suspension of period of confinement fixed by law or by the court.

CALIFORNIA

a-b: Authority of courts to suspend sentence or execution thereof exists only under the provisions of the statute, and is within the discretion of the court. Under the court decisions suspension of sentence should be accompanied by probation; failure of the court to order probation is error of the court but does not make sentence void, and sentence may be corrected. Suspension of sentence or probation prohibited if offender has been previously convicted.



of a felony; if armed at the time of commission of the offense; armed at the time of arrest for commission of the offense; armed at the time of the attempt to commit the offense; if in perpetration of the crime offender did great bodily injury or torture; if he is a public official guilty of accepting or offering a bribe or an attempt to do so; if guilty of embezzlement of public money; or if guilty of extortion.

- c. Court has authority to suspend sentence or to suspend execution of sentence only as part of the probation scheme and should place defendant on probation.
- d. Probation cannot extend beyond the maximum period provided for the offense; the court may fix a shorter period of time and extend and re-extend it up to the maximum period of sentence for the offense. As a condition of probation court may order defendant to serve a term in a county jail not greater than the maximum sentence. (Sec. 1203)
- e. Defendant reports to probation department periodically, if placed on probation.
- f. Defendant is in custody of the court during probation. Any time during the period fixed, the court may in its discretion revoke probation and have original term of sentence enforced, or impose sentence on defendant, or order defendant discharged. Consideration for any time already served in jail or fine paid must be given.

If court suspends sentence indefinitely without referring case to probation department, the period of suspension is the maximum period provided for the particular offense. Any time during that period court may revoke suspension and order defendant committed,

or court may take other action as its discretion permits. Upon fulfillment of terms of suspension or probation, defendant may have an order made clearing his record of the charge for all purposes except that of having committed a prior offense in case of subsequent conviction.

Prisoner may be discharged from further penalty at the end of the period of suspension, or if the court wished to extend the period of suspension (if the extended suspension is within the maximum period of sentence), it may do so any time before the end of the fixed period of suspension. Court may, during period of suspension, or any extension thereof, have defendant brought before it for commitment or discharge.

Statute assumes that there will be no suspension of sentence or suspension of execution of sentence without having defendant placed in care of probation department.

ILLINOIS

- a. Authority to suspend sentence is granted by statute.
- b. Statute provides for suspended sentence in the following cases, to wit: Motion for new trial, arrest of judgment, or other just cause.
- c. After entry of judgment and before pronouncement of sentence or execution thereof.
- d. Court cannot indefinitely suspend pronouncing of sentence or execution thereof.
- e. Must report to probation officer once a month. (By Statute)
- f. In no case may suspension of sentence exceed a one-year period nor more than two in the aggregate. Special Notice: The above paragraph really refers to suspension under the probation act, and is limited to first offenders for all crimes or offenses

except: manslaughter, murder, rape, kidnaping, wilful and corrupt perjury, arson, larceny, embezzlement in excess of \$200.00, incest, burglary of inhabited dwelling house, conspiracy in any form against election law. Provides further: any person violating the dependency acts may be given probation whether or not he has been previously convicted.

g. Until final discharge, prisoner is deemed under conviction for maximum term, and held in legal custody of Department of Public Welfare. On expiration of probationary period (which in no case shall exceed one year), the court may discharge probationer, or extend probation (for one more year only).

Court may discharge probationer earlier than one-year period, in its discretion.

MASSACHUSETTS

a-b. Authority of courts to suspend sentence or execution of sentence, is held to be an inherent power of the courts under common law; under statutory authority courts grant probation at time of suspension of sentence or at time of pronouncement of sentence. Court has always exercised power to suspend sentence under common law and still exercises that power now by placing cases "on file", with consent of defendant. "On file" cases are suspended sentence during good behavior and expire only by lapse of time. The statutory power to suspend sentence or to suspend execution of sentence is part of the probation system so that courts now have power to place case "on file", or to grant probation under supervision, or to commit.

c. Upon first felony conviction court may suspend sentence, or suspend execution of sentence and may place defendant on probation.

Under its common law practice court has authority to suspend sentence or execution of sentence without referring case to probation department; actually in serious crimes, defendant if not committed, is placed under supervision of the probation officer.

1. No suspension of sentence or probation shall be granted when there has been a previous conviction for felony, or if the crime is punishable by death or life imprisonment; or in case of conviction for commission of any crime an element of which was being armed with a dangerous weapon.

2. Defendant reports to probation department periodically during term fixed if placed on probation under rules and regulations of the department.

3. Where suspension has been granted without referring case to probation department, period is "during good behavior of defendant." Where it is referred to probation department it is for a definite term, it may be extended and re-extended for the purpose of fulfillment of some conditions laid down by the court.

During the period of suspension or probation, court may revoke order of suspension and order defendant to prison, or if conditions of suspension fulfilled may order defendant discharged.

When under supervision of probation department, suspension expires when order of suspension is revoked, and defendant committed; or case placed "on file", (which has the same effect as common law suspension) - or defendant is discharged, usually at the end of the term.

4. Suspension of sentence may be for longer period than sentence provided for the offense. Court has authority to revoke suspension and order case placed "on file"; defendant discharged; or committed for the original sentence. Where suspension is for same

or longer period than time of confinement provided in sentence or by statute, the defendant may be discharged without confinement.

NEW YORK

- a. Statutory provision - Section #2188, Penal Law, authorizes the court to suspend sentence or impose sentence and suspend the execution of judgment.
- b. The same power, under common law, was recognized by the Supreme Court in many decisions.
- c. See (a) above.
- d. Imprisonment shall not be suspended or interrupted after such imprisonment shall have commenced.

No suspension in conviction of offense with life or death penalty, fourth offenders, or conviction of felony committed while armed. Suspension of sentence may be extended and re-extended by order of court. Limit of time is the maximum period which could have been given as a sentence. Statute provides that in either case of suspension of sentence or suspension of execution of sentence the defendant "may" (but see next paragraph) be placed on probation. In those cases where the court fails to make the term of probation definite, case may be brought back into court to make it definite. In case the court fails to turn defendant over to the probation department, it is a void judgment and defendant may at any time, even beyond the term of the maximum sentence, be brought back into court and committed.

- e. The person convicted shall report to the probation officer if such requirement is included by the court among the conditions of his probation; court's failure to include probation as part of sentence is error. No statutory provision for report.

f. The period of probation extends: For a minor not beyond his minority; for an offense less than felony - not beyond three years; for a felony - a term fixed by the court, not beyond the maximum time for which he might be sentenced.

g. The court at any time during probationary period, but not after the expiration of such period, may revoke probation order and impose original sentence.

The court may at any time discharge a probationer from further supervision.

UNITED STATES (FEDERAL)

- a. Courts derive power to suspend sentence only under statute providing for probation in such cases.
- b. Statutes provide for suspension of sentence and suspension of execution of sentence only as part of probation system.
- c. May grant probation before sentence or may grant it after sentence.
- d. No probation for one convicted of an offense punishable by death or life imprisonment. Probation together with extension shall not exceed five years.
- e. Required to conform to such terms and conditions as Parole Board specifies which may include report to probation officer.
- f. Suspension of sentence or execution of sentence does not expire with expiration of probationary period. Defendant may be brought in and sentenced any time before expiration of the maximum period provided for the offense.
- g. Only the expiration of the maximum period provided for the offense releases defendant from possibility of being confined for the offense.

WASHINGTON (STATE)

- a. Court has no inherent power to suspend sentence.

- b. Statute provides for suspension as part of the probation system.
- c. The court may in its discretion, after imposing sentence, direct that execution of sentence be suspended until otherwise ordered by court.
- d. No suspension in second conviction of felony, or gross misdemeanor, conviction of murder, burglary (first degree), robbery, (first degree) arson, rape or carnal knowledge of child under ten years.
- e. Prisoner under suspended sentence must be placed under legal custody of parole officer, (Statute is silent on whether or not probationer shall report).
- f. Suspension expires when so ordered by the court. Note: The court may only suspend the execution of sentence, not suspend the pronouncement of sentence.
- g. Suspension for period of sentence to confinement does not necessarily relieve person from confinement. Suspension may be revoked at any time and commitment ordered. (It is deemed a mere revocable permit). If suspension order has not been revoked before time of sentence expires, prisoner shall be deemed to have fully answered for his crime.

PART 8

INDEFINITE SENTENCE

CALIFORNIA

Every person not sentenced to death or as a habitual criminal of the fourth offender type, unless placed on probation, a new trial granted or imposing of sentence suspended, is sentenced to prison for an indefinite length of time. The term becomes definite only on affirmative action of the parole board.

The court may fix a minimum and a maximum sentence where the code

provides a minimum and a maximum sentence for the particular offense; if only a maximum sentence is provided - court's sentence must be "for not more than ----- years;" if only a minimum sentence is provided, court may sentence to the minimum and fix the maximum up to life imprisonment. In all cases of indefinite sentence court may use the phrase, "defendant sentenced to prison for the term fixed by law."

ILLINOIS

- a. In certain felony cases in III-a the jury or court shall fix period of imprisonment, which shall be not less than the minimum or greater than the maximum. In all other cases of first felony offenders, who are to be imprisoned, the court does not fix the term of imprisonment, pronouncing only a general sentence of confinement. The board of parole then fixes the term at a period not less than the minimum nor more than the maximum provided in the code for the offense. May be terminated earlier by the Department of Public Welfare.
- b. Court has jurisdiction in minor offenses only, (Dependency Act), and in such cases he shall fix a definite term of imprisonment.

MASSACHUSETTS

Every prisoner not sentenced as a habitual criminal or not sentenced for life, or whose sentence is not suspended, is given an indefinite sentence on conviction of felony.

The sentences are fixed by the court as a minimum and maximum.

TWO CLASSES:

- a. Males under thirty not previously convicted of a felony are sentenced to Massachusetts Reformatory - "until they have reformed." Term of commitment not fixed but not less than one year.

0. Males over thirty and repeated offenders, except where the sentence is for life, or as a habitual criminal, are entitled to an indefinite sentence fixed by the court as a maximum and minimum. Restriction is that no sentence to state prison shall be for less than two and one-half years actual confinement.

NEW YORK

All prisoners sentenced to State prison after March 1, 1936, are to be given indeterminate sentences, with the following exceptions: Murder (first or second degree), kidnaping, treason or commission of a felony while on parole. Such indeterminate sentence shall be: Minimum - not less than one year - or if the minimum is fixed by law, then not less than such minimum; otherwise the minimum of such sentence shall not be more than one-half the longest period fixed by law. Indeterminate sentence for: First offender - Minimum - not less than one year, and not less than the minimum fixed by law; otherwise not more than one-half the longest period fixed by law. Maximum not more than the longest period fixed by law. For second or third offender: Minimum - not less than the longest term prescribed upon a first conviction. Maximum - twice such term. Additional indeterminate sentence: Of not less than five nor more than ten years for felony committed while armed. Upon a second conviction for a felony committed while armed the period of imprisonment shall be increased by not less than ten years, and not more than fifteen years. Upon third conviction for such felony - not less than fifteen, nor more than twenty-five years.

UNITED STATES (FEDERAL)

There is no Federal indefinite sentence law.

Court does not fix minimum and maximum sentence. Has power only

to fix a term not more than the maximum. In a repetition of the particular offense (not any felony), the maximum permissible in some offenses is increased.

WASHINGTON (STATE)

- a. The indeterminate sentence law applies to all convictions of felony for which no fixed period of confinement is fixed by law, which excludes murder (first degree), carnal knowledge of child under ten years, habitual criminal, and treason.
 - b. Court shall fix the maximum term only in cases where no maximum term is prescribed by law. When no minimum term is prescribed by law, he shall fix the same in his discretion at not less than six months nor more than five years. The general sentence is "for a term not more than ---- years."
- The term of confinement is fixed by the board of parole.

PART 9

PROBATION IN FELONY CASES

CALIFORNIA

First felony offenders only are eligible for probation, except that no person shall be placed on probation who has been convicted of robbery, burglary, burglary with explosives, rape with force and violence, arson, murder, grand theft, assault with intent to commit murder, train wrecking, feloniously removing stolen goods, felonious assault with a deadly weapon, kidnaping, mayhem, escape from a state prison, conspiracy to commit any of the foregoing offenses, and persons who at the time of commission of any of these offenses, or at the time of arrest were armed with a deadly weapon.

There must be a special allegation and proof of being armed with a deadly weapon before judicial discretion to grant probation is withdrawn from court. No offender is eligible for probation if in the commission of the crime he inflicted great bodily injury or torture; if he was a public officer found guilty of giving or receiving bribes, or embezzled public money; or was guilty of extortion.

Court may order probation before sentence or may suspend the execution of the sentence and may order, as a condition of probation, that defendant serve part or all of original sentence in county jail.

ILLINOIS

Suspension of sentence is part of the probationary system. No suspension of sentence without probation.

No suspension of sentence in cases of murder, manslaughter, rape, kidnaping, wilful and corrupt perjury or subornation of perjury, arson, larceny, and embezzlement of over \$200.00, incest, burglary of an inhabited dwelling house, or conspiracy under the election laws.

MASSACHUSETTS

If a first felony offender, if the crime is not punishable by death or life imprisonment; if a dangerous weapon was not used as an essential element of the crime. Probation may be granted prior to sentence or execution of sentence stayed and probation granted for a term not exceeding the maximum.

NEW YORK

The term "placed on probation" includes suspension of sentence, or suspension of execution of judgment.

No probation is permitted when the defendant is convicted of committing a felony while armed, or convicted of committing a crime punishable by death or life imprisonment or one who has been convicted as a fourth felony offender.

Period of probation is fixed by the court but cannot extend beyond the maximum period provided for the offense.

There can be no suspension of sentence or probation once the imprisonment on the sentence has commenced.

UNITED STATES (FEDERAL)

It is permitted in any case not punishable by death or life imprisonment at the discretion of the court.

Statute directs that probation be granted only when the ends of justice as well as the best interests of the public as well as the defendant will be subserved thereby.

Court's interpretation of this clause is that it is intended for youthful offenders, minor offenses, those induced by ignorance, poverty or inexperience, but not to hardened criminals, those of mature years or those who have committed some deliberate offense.

U. S. vs Proxiltis
8 Federal (2nd)
759

But discretion is left with court. Court cannot as a condition of probation provide that a certain part of sentence be served.

U. S. vs Froxiltis
49 Federal (2nd)
774 - 193

In 1930, May 13th, in lieu of previous boards and commissions, Congress created one parole board. At same year Congress passed

the law authorizing the judges to appoint probation officers within their jurisdiction and designate one as chief probation officer. Both of these provisions incorporated in Criminal Code 1934, Title #18, Section #723 and #726 respectively.

WASHINGTON (STATE)

No probation in felony cases, except in cases of suspended execution of sentence, with mandatory provision that prisoner be placed in custody of parole officer. Courts are not permitted to place on probation one convicted of murder, burglary in the first degree, robbery, carnal knowledge of a female child under ten years, rape, or one previously convicted of a felony or a gross misdemeanor. In case of probation granted the term of probation is fixed by the parole board.

CHAPTER III

COMPARATIVE GENERAL STATISTICS RELATING TO PAROLE IN
CALIFORNIA, ILLINOIS, NEW YORK, UNITED STATES
(FEDERAL) AND WASHINGTON (STATE).

TABLE 1.

APPROPRIATIONS FOR DEPARTMENTS OF PENOLOGY AND PAROLE

CALIFORNIA

<u>YEAR</u>	<u>TOTAL FOR DEPT. OF PENOLOGY</u>		<u>DEPT. OF PAROLE</u>
1929	\$ 4,730,986.00		\$ 54,890.00
1931	4,376,180.00	Board of Prison Directors	71,840.00)
		Board of Prison Terms & Paroles	50,000.00)
1933	4,732,154.15	Board of Prison Directors	86,129.00)
		For Support of Parole Department)
)
		Board of Prison Terms & Paroles)
		for support of same	34,000.00)
1935	5,390,915.72	Board of Prison Directors	112,960.00)
		For Support of Parole Department.)
)
		Board of Prison Terms and Paroles	34,000.00)
		for Support of same)

ILLINOIS

1929	8,214,900.00	Division of Pardons and Paroles	\$192,400.00)
1930		Division of Supervision and Par-)
		oles	553,400.00)
1931	9,069,276.00	Division of Pardons and Paroles	242,000.00)
1932		Division of Supervision and Par-)
		oles	571,000.00)
1933	6,386,810.00	Division of Pardons and Paroles	170,000.00)
1934		Division of Supervision and Par-)
		oles	367,500.00)
1935	5,167,304.00	Division of Pardons and Paroles	132,700.00)
1936		Division of Supervision and Par-)
		oles	514,490.00)

MASSACHUSETTS

1929	2,237,551.00		83,400.00
1930	2,214,800.00		88,800.00
1931	2,311,580.00		94,815.00
1932	2,133,435.00		81,750.00

MASSACHUSETTS
(continued)

<u>YEAR</u>	<u>TOTAL FOR DEPT. OF PENOLOGY</u>	<u>DEPT. OF PAROLE</u>
1933	\$ 2,265,950.00	\$ 79,250.00
1934	1,981,943.00	78,400.00
1935	2,326,070.00	96,100.00

NEW YORK

1929	6,710,969.00	561,001.00
1930	5,314,719.00	328,690.00
1931	6,989,484.00	401,485.00
1932	7,231,304.33	393,495.00
1934	6,440,383.00	358,145.00
1935	7,675,895.00	456,600.00
1936	- - - - -	443,200.00

UNITED STATES (FEDERAL)

<u>YEAR</u>	<u>EXPENDITURES FOR PENAL AND CORREC- TIONAL INSTITUTIONS</u>	<u>EXPENDITURES FOR PAROLE AND PROBATION (NOT INCLUDING PAROLE OFFICER IN EACH INSTI- TUTION.)</u>
1929	\$ 6,558,982.00	\$ 30,000.00
1930	8,103,422.00	25,000.00
1931	9,504,032.88	200,000.00
1932	11,562,179.42	230,400.00
1933	14,432,037.42	415,000.00
1934	10,480,543.00 (Appropriated)	434,543.00 (Appropriated)
1935	9,130,858.00 (Estimated)	454,160.00 (Estimated)

WASHINGTON (STATE)

<u>YEAR</u>	<u>TOTAL FOR DEPT. OF PENOLOGY</u>	<u>DEPT. OF PAROLE</u>
1929	\$ 2,860,175.00	\$ 32,000.00
1931	2,825,145.00	108,500.00
1933	2,080,744.64	117,245.00
1935	1,295,267.00	113,549.00

TABLE 2.

ESTIMATES PER CAPITA COST PER YEAR IN PRISON AND ON PAROLE

(Per capita prison cost does not include
any charge for capital investment).

CALIFORNIAPRISONPAROLE

1934 .. \$187.42

\$ 17.51

ILLINOIS

(Per capita average of all institutions)

PRISON AND REFORMATORYPAROLE

1933\$ 246.94

\$ 52.77

MASSACHUSETTSPRISONREFORMATORYPAROLE

1935 .. \$ 459.92

\$ 481.85

\$ 40.00

NEW YORK

1935 .. 550.00

55.87

UNITED STATES (FEDERAL)PENITENTIARYREFORMATORYPAROLE

1933 .. \$322.29

\$ 587.28

Figures not
available

WASHINGTON (STATE)PENITENTIARYREFORMATORYPAROLE

1934 .. \$190.97

\$ 239.51

\$ 17.00

TABLE 3

ANNUAL PRISON AND REFORMATORY AND PAROLE POPULATION

YEAR	CALIFORNIA		FEDERAL		ILLINOIS		MASSACHUSETTS		NEW YORK		WASHINGTON	
	PRISON	PAROLE	PRISON	& REFOR-	PRISON	& REFOR-	PRISON	& REFOR-	PRISON	& REFOR-	PRISON	& REFOR-
				MATORIES		MATORIES		MATORIES		MATORIES		MATORIES
				PAROLE		PAROLE		PAROLE		PAROLE		PAROLE
1930	7,183	2,205	13,104	1,709	8,545	3,204	3,159	1,532	8,147	4,177	1,872	2,991
1931	7,513	2,254	13,657	2,628	9,522	4,277	3,355	1,598	9,000	5,866	1,919	- -
1932	8,010	3,185	13,698	3,327	10,242	4,637	3,545	1,540	9,599	5,458	2,014	3,392
1933	8,886	2,424	12,145	3,412	10,441	5,093	3,634	1,689	9,519	6,155	1,834	- -
1934	9,314	2,413	11,117	3,375	- - -	- - -	3,904	2,047	9,485	8,014	1,905	3,435
1935	8,913	2,412	13,703	2,235	- - -	- - -	3,845	2,350	- - -	7,826	- - -	- -
1936	8,377	2,311	- - -	- - -	- - -	6,000	- - -	2,373	- - -	7,218	- - -	2,247

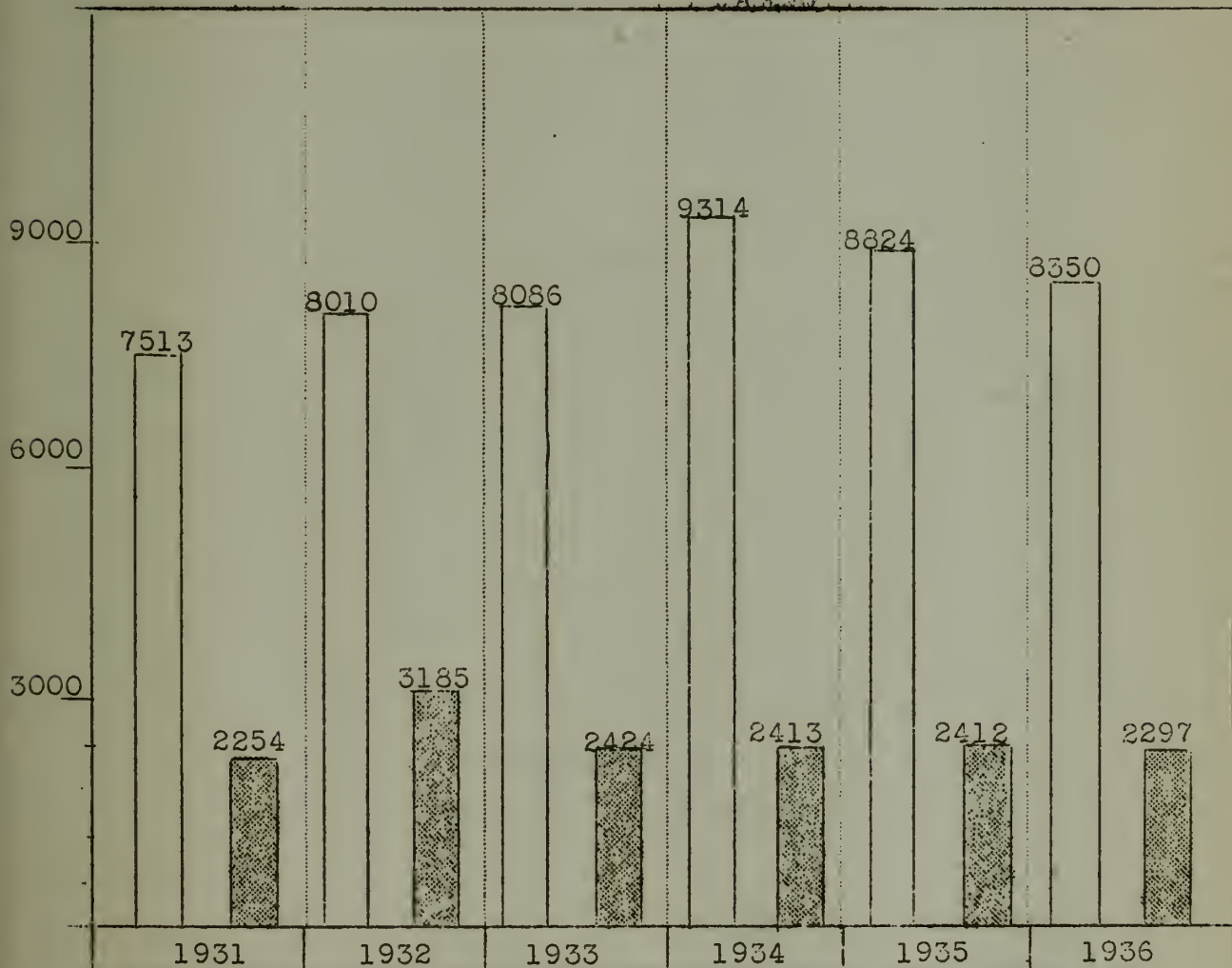
CALIFORNIA STATE PRISONS AND PAROLE POPULATION

1931 - 1936

(NUMBER OF PERSONS)

In Prison

On Parole



Appropriation for Maintenance of California Prisons and Parole

	Prison	Parole
1931-1932	\$4,376,180.00	\$121,840.00
1933-1934	4,782,154.15	120,129.00
1935-1936	5,390,915.72	146,960.00

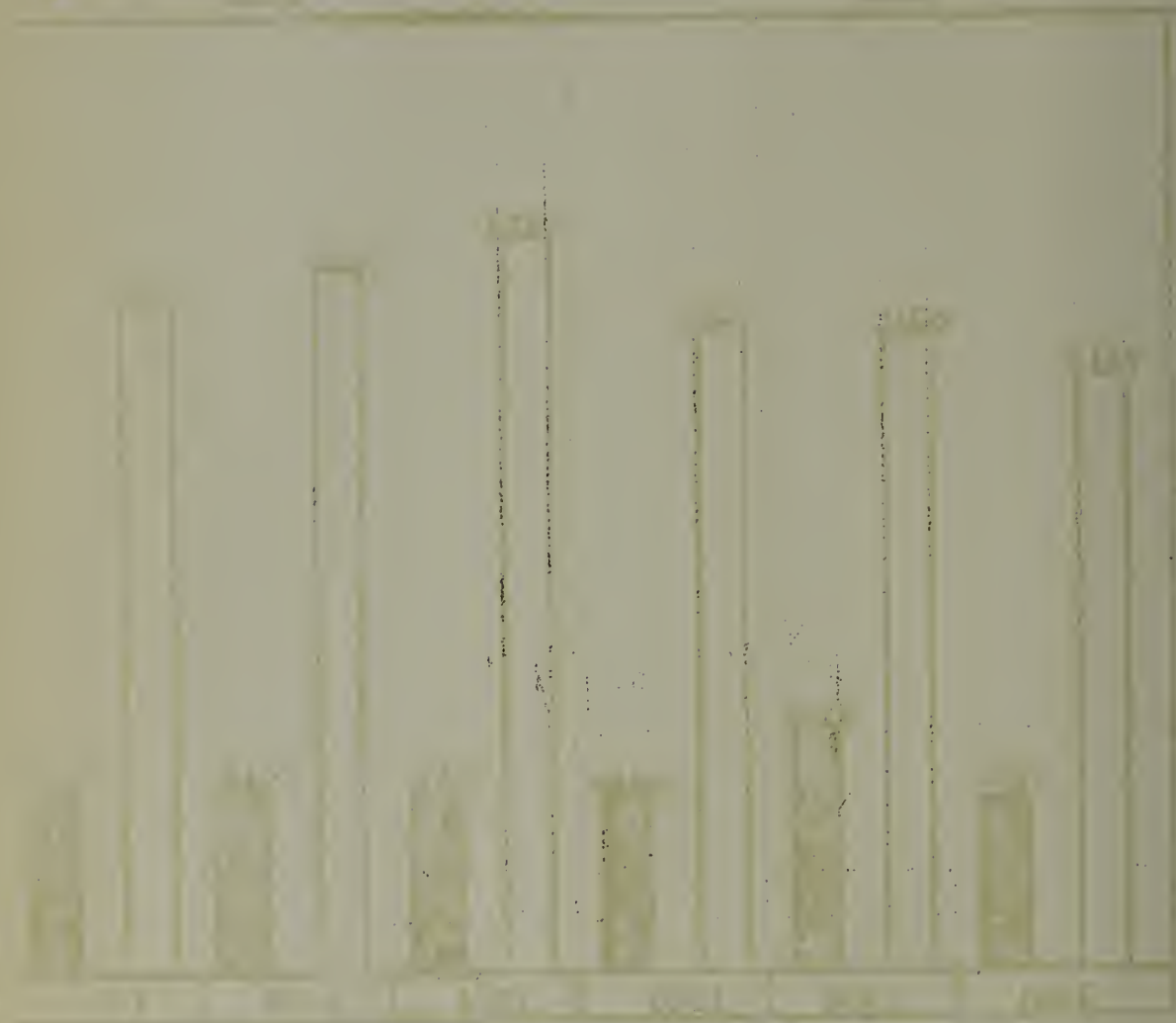
CHART A

1917-18

PLANT INDUSTRY

PLANT INDUSTRY

PLANT INDUSTRY



PLANT INDUSTRY, 1917-18

Plant Product	Production (1917-18)	Production (1916-17)
1. Rubber	100	100
2. Cacao	150	150
3. Coconut	200	200
4. Palm Oil	150	150
5. Sugar	100	100
6. Tobacco	50	50

TABLE 4.

ANNUAL PAROLE POPULATION, COMMITMENTS & PAROLE RELEASES

CALIFORNIA

<u>YEAR</u>	<u>PAROLE POPULATION</u>	<u>COMMITMENTS</u>	<u>RELEASED ON PAROLE</u>
1929-1930	2,205	1,918	1,270
1930-1931	2,254	2,615	1,369
1931-1932	3,185	2,705	1,564
1932-1933	2,424	2,566'	1,172
1933-1934	2,413	2,550	1,280
1934-1935	2,412	2,016	1,447

ILLINOIS

(Prisons and Reformatories)

1928-1929	3,691	2,503	1,314
1929-1930	3,204	2,437	1,438
1930-1931	4,277	2,576	1,602
1931-1932	4,637	2,710	1,649
1932-1933	5,093	2,352	1,757
1933-1934	(Not available)	(Not available)	(Not available)

MASSACHUSETTS

(Penitentiaries only)

1929-1930	1,532	900	467
1930-1931	1,598	971	604
1931-1932	1,540	1,090	760
1932-1933	1,689	1,019	874
1933-1934	2,047	1,022	904

NEW YORK

(Prisons and Reformatories)

Dec. 31, 1930	4,177	3,063	(half 1,966 (year ending June 30, 1930)
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(Prisons and Reformatories)

<u>YEAR</u>	<u>PAROLE POPULATION</u>	<u>COMMITMENTS</u>	<u>RELEASED ON PAROLE</u>
July 1, 1930 to Dec.31,1930	-----	-----	1,131
1931	5,866	3,596	2,411
1932	5,458	3,612	2,880
1933	6,155	3,514	2,671
1934	8,014	2,958	3,694

UNITED STATES (FEDERAL)

(all institutions)

1929-1930	1,939	9,866	2,744
1930-1931	2,628	10,178	4,734
1931-1932	3,327	10,496	5,496
1932-1933	3,412	8,775	4,993
1933-1934	3,375	8,007	3,585

WASHINGTON (STATE)

(Penitentiary only)

1930	1,385	509	- -
1931	- - -	623)	1,064
1932	1,471	623)	
1933	- - -	535)	1,054
1934	1,760	639)	

WASHINGTON (STATE)

(Reformatory only)

1930	1,606	539	- - -
1931	- - -	553)	1,082
1932	1,921	505)	
1933	- - -	402)	1,002
1934	1,675	393)	

TABLE 5
PAROLE VIOLATIONS
CALIFORNIA

YEAR	VIOLATIONS REPORTED	VIOLATIONS BY NEW OFFENSE	VIOLATORS RETURNED	PERCENTAGE BY NEW OFFENSE
1929-1930	235	77	166	32 %
1931	199	128	166	64 %
1933	141	68	127	49 %
1934	<u>214</u>	<u>74</u>	<u>120</u>	<u>35 %</u>
TOTAL	789	347	579	44 %

ILLINOIS

1929	(Not available)	(Not available)	458	-
1930	do.	do.	606	-
1931	do.	do.	665	-
1932	do.	do.	731	-
1933	do.	do.	<u>682</u>	-
TOTAL			3,142	

MASSACHUSETTS

1929	256	68	180	26 %
1930	(Not available)	(Not available)	(Not available)	-
1931	263	70	174	27 %
1932	255	104	189	42 %
1933	299	126	180	42 %
1934	<u>345</u>	<u>196</u>	<u>178</u>	<u>57 %</u>
TOTAL	1,418	564	901	39 %

TABLE 5 (Cont'd)

PAROLE VIOLATIONS

NEW YORK

YEAR	VIOLATIONS REPORTED	VIOLATIONS BY NEW OFFENSE	VIOLATORS RETURNED	PERCENTAGE BY NEW OFFENSE
1930	101	62	(Not available)	62 %
1931	584	376	do.	64 %
1932	1,095	621	452	57 %
1933	1,098	524	543	48 %
1934	(Not available)	(Not available)	560	-
1935	<u>1,407</u>	<u>675</u>	<u>1,023</u>	<u>48 %</u>
TOTAL	3,885	2,258	2,578	58 %

UNITED STATES (FEDERAL)

YEAR	VIOLATIONS REPORTED	PAROLE REVOKED	VIOLATIONS BY NEW OFFENSE	VIOLATORS RETURNED
1930	93	93	(Not available)	72
1931	139	164	do.	102
1932	330	301	do.	131
1933	350	300	do.	157
1934	<u>336</u>	<u>317</u>	<u>do.</u>	<u>266</u>
TOTAL	1,298	1,175	(Not available)	728

WASHINGTON (STATE)

YEAR	VIOLATIONS REPORTED	VIOLATIONS BY NEW OFFENSE	VIOLATORS RETURNED	PERCENTAGE BY NEW OFFENSE
1929-1930	1,650	44	117	2.6 %
1931-1932	1,946	75	166	3.9 %
1933-1934	<u>703</u>	<u>61</u>	<u>186</u>	<u>8.7 %</u>
TOTAL	4,299	180	469	4.1 %

TABLE 6

C A S E L O A D *

Showing:

TOTAL ON PAROLE;

TOTAL NUMBER PAROLE OFFICERS;

and AVERAGE FOR EACH PAROLE OFFICER **

	PAROLEES FROM STATE INSTITU- TIONS	PAROLEES FROM INS- TITUTIONS OUT OF STATE	NO. PAR- OLE OF- FICERS	AVERAGE PER OFFICER
California (9/1/36)	2,311	150	17	145 Minus
Illinois (9/1/36)	6,000	No record	70	85 Plus
Massachusetts (5/1/36)	2,108	265	13	182 Plus
New York (9/21/36)	7,218	980	85	96 Plus
United States (6/30/35)	3,329	- -	28	119
Washington (State) 9/9/36) .	1,410	837	3	748 Plus

* Case load limited by statute in New York to 75;
in New Jersey to 50; United States Attorney Gen-
eral in report for year ending June 30, 1935 rec-
ommends 50.

** Case load is figured on basis of total number of
parolees to parole officers on payroll. In cali-
fornia on 6/30/36 seven officers supervised 1070
parolees remaining in California and 125 additional
from out of state institutions - an average of 170.

TABLE 7

RECIDIVISM (PREVIOUS ARRESTS OR COMMITMENTS)

CALIFORNIA

YEAR	TOTAL COMMITMENTS			TO PRISONS OR REFORM SCHOOLS			PERCENT OF PREVIOUS TO TOTAL COMMITMENTS
	SAN QUENTIN	FOLSOM	TOTAL	SAN QUENTIN	FOLSOM	TOTAL	
1931	1710	905	2615	418-24.4%	748-82.6%	1166	44.5%
1932	1997	708	2705	413-20.6%	529-74.7%	942	34.8%
1933	1938	628	2566	408-21 %	471-75 %	877	34.1%
1934	1928	622	2550	397-20.6%	500-80 %	897	35.1%
1935	1504	620	2124	170-11.3%	504-81 %	674	31.7%
1936	1344	614	1958	162-12.0%	513-83.5%	675	34.4%

ILLINOIS *

(Prisons and Reformatories only)

YEAR	TOTAL COMMITMENTS	PREVIOUS ARRESTS	PERCENT OF PREVIOUS TO TOTAL ARRESTS
1932	2710	1637	60.4%
1933	2352	1421	60.4%

PERCENT OF PREVIOUS ARRESTS AND CONVICTIONS
COMMITMENTS TO ALL INSTITUTIONS

YEAR	TOTAL COMMITMENTS	PREVIOUS ARRESTS	PERCENT PREVIOUS ARRESTS TO TOTAL COMMITMENTS	PREVIOUS CONVICTIONS	PERCENT PREVIOUS CONVICTIONS TO TOTAL COMMITMENTS
1929	4590	2272	49.6%	1853	40.5%
1930	4510	2143	47.5%	1621	35.9%
1931	5050	2360	46.6%	1666	32.9%
1932	4962	2484	50.1%	1818	36.6%
1933	4245	2298	54.1%	1741	41 %

* The following conflicting statements relating to recidivism in Illinois are also found on page 113 of Report of Statistician, Department of Public Welfare, 1931-33:

YEAR	TOTAL COMMITMENTS	PREVIOUS ARRESTS	PERCENT PREVIOUS ARRESTS TO TOTAL COMMITMENTS	PREVIOUS CONVICTIONS	PERCENT PREVIOUS CONVICTIONS TO TOTAL COMMITMENTS
1932	4962	4141	83.5%	-	80.2%
1933	4245	3552	83.7%	-	73.5%

TABLE 7 (Continued)

MASSACHUSETTS

<u>YEAR</u>	<u>TOTAL COMMITMENTS</u>	<u>PREVIOUS COMMITMENTS</u>	<u>PERCENT OF PREVIOUS TO TOTAL COMMITMENTS</u>
1929	789	396	50.1%
1930	900	423	47 %
1931	971	502	51.7%
1932	1090	554	50.8%
1933	1019	552	54.1%
1934	1022	611	59.7%

NEW YORK

(State Prisons and Reformatories)

1930	3063	1797	58.7%
1931	3596	2194	61 %
1932	3612	2610	72.3%
1933	3514	1935	55.1%
1934	2958	2104	71.1%

UNITED STATES (FEDERAL)

1931	10178	4644	45.6%
1932	10496	4671	44.5%
1933	8775	3710	41.5%
1934	8007	3508	43.8%

WASHINGTON (STATE)

(No Record of Recidivism)

SOURCES:

CALIFORNIA..... State Board of Prison Directors Reports, 1931-35; Division of Parole Reports, 1930-36.

ILLINOIS..... Department of Public Welfare, Report of Statistician, 1931-33.

MASSACHUSETTS.. Commissioner of Correction, Annual Report, 1929-34.

NEW YORK..... Division of Parole of the Executive Department, Annual Reports, 1930-36; State Commission of Correction, Annual Reports, 1929-35.

UNITED STATES.. United States Department of Justice, Bureau of Prisons, Federal Parole Reports, 1931-34.

Continued

Country	1970	1971	1972	1973
Algeria	100	100	100	100
Angola	100	100	100	100
Argentina	100	100	100	100
Australia	100	100	100	100
Austria	100	100	100	100
Belgium	100	100	100	100
Canada	100	100	100	100
Chile	100	100	100	100
Colombia	100	100	100	100
Czechoslovakia	100	100	100	100
Denmark	100	100	100	100
France	100	100	100	100
Germany	100	100	100	100
Greece	100	100	100	100
India	100	100	100	100
Indonesia	100	100	100	100
Italy	100	100	100	100
Japan	100	100	100	100
South Korea	100	100	100	100
Madagascar	100	100	100	100
Mali	100	100	100	100
Mexico	100	100	100	100
Morocco	100	100	100	100
Netherlands	100	100	100	100
Nigeria	100	100	100	100
Poland	100	100	100	100
Portugal	100	100	100	100
Romania	100	100	100	100
Saudi Arabia	100	100	100	100
Spain	100	100	100	100
Sweden	100	100	100	100
Switzerland	100	100	100	100
Taiwan	100	100	100	100
Tanzania	100	100	100	100
Togo	100	100	100	100
Tunisia	100	100	100	100
Turkey	100	100	100	100
Uganda	100	100	100	100
United Kingdom	100	100	100	100
United States	100	100	100	100
Yugoslavia	100	100	100	100

Continued

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100	100	100	100
100	100	100	100
100	100	100	100
100	100	100	100
100	100	100	100

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100	100	100	100
100	100	100	100

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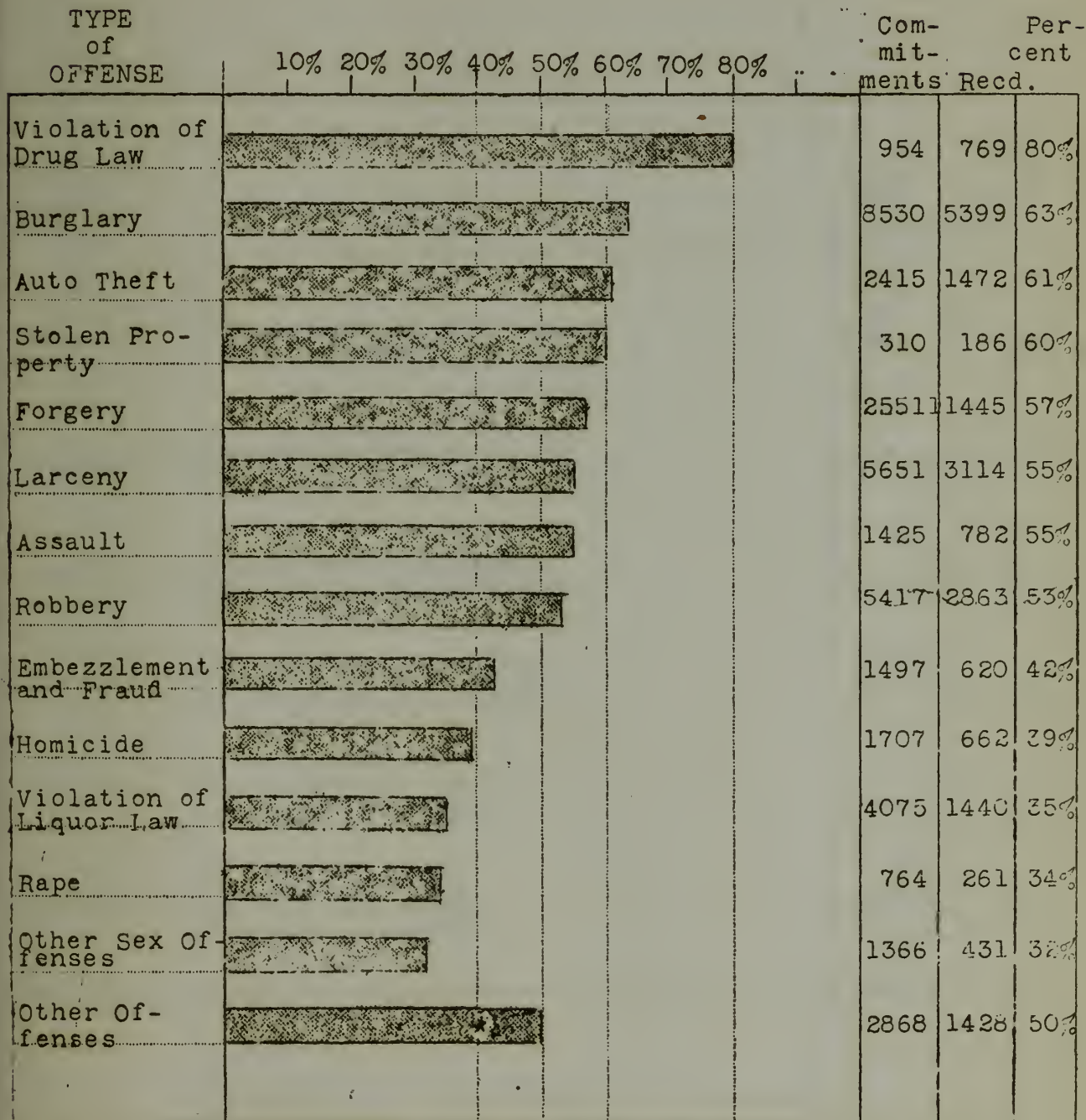
... (text continues)

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... (text continues)

PERCENTAGE OF RECIDIVISTS IN VARIOUS OFFENSES FOR YEAR 1932

(From Report of U. S. Department of Commerce -
Bureau of the Census - on Prisoners
in State and Federal Prisons for 1932)



TOTAL COMMITMENTS REPORTED ON QUESTION OF RECIDIVISM ...39530
TOTAL RECIDIVISTS20872
PERCENTAGE OF RECIDIVISTS TO COMMITMENTS REPORTING.....52.8%
TOTAL COMMITMENTS TO STATE AND FEDERAL PRISON.....67477

CHART B.

PERCENTAGE OF RECIDIVISTS TO COMMITMENTS FOR 1933

IN JURISDICTIONS INCLUDED IN THIS REPORT

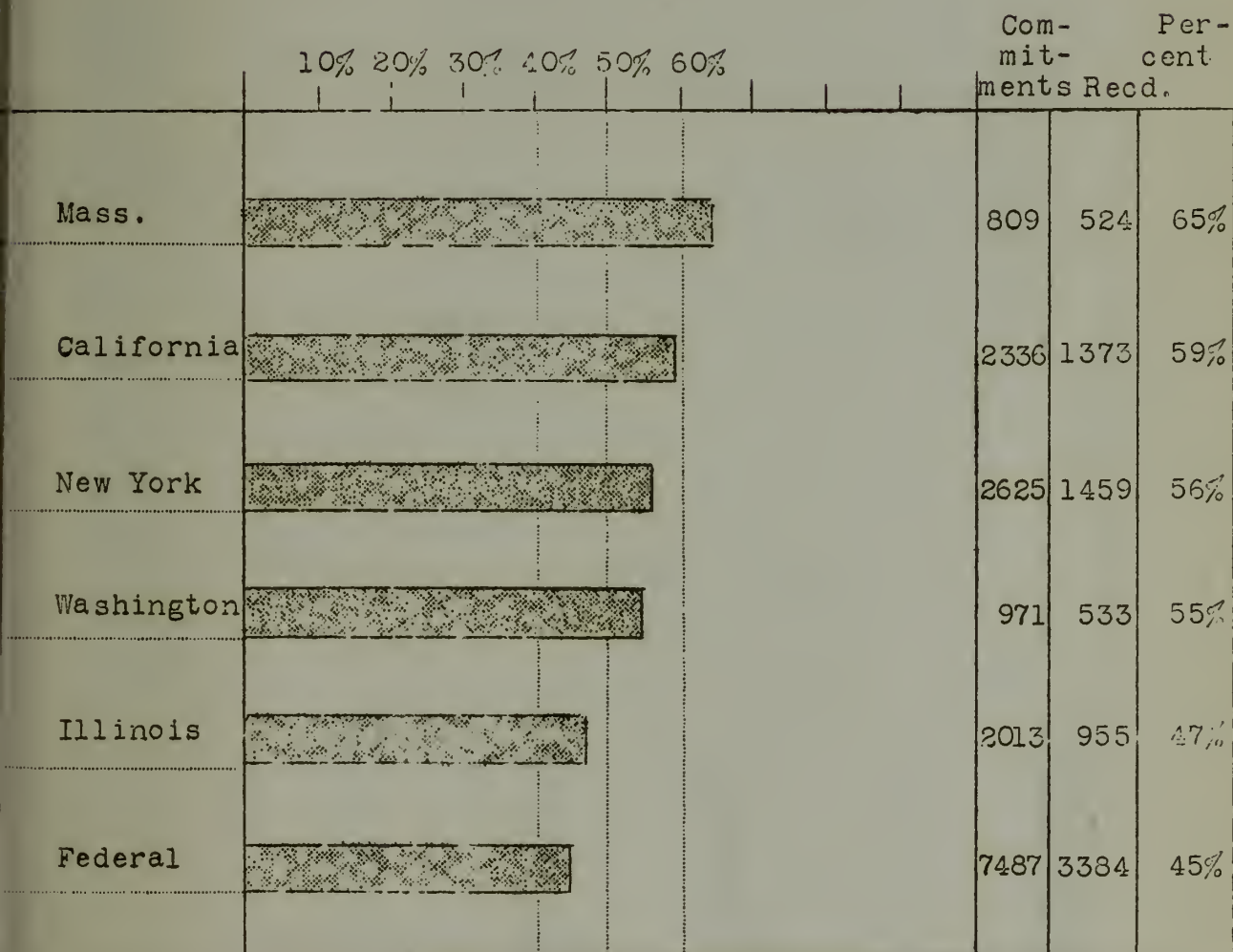


CHART C

COMPARISON OF CALIFORNIA PRISON POPULATION
WITH PRISON COMMITMENTS AND PRISONERS PAROLED
1930 - 1934

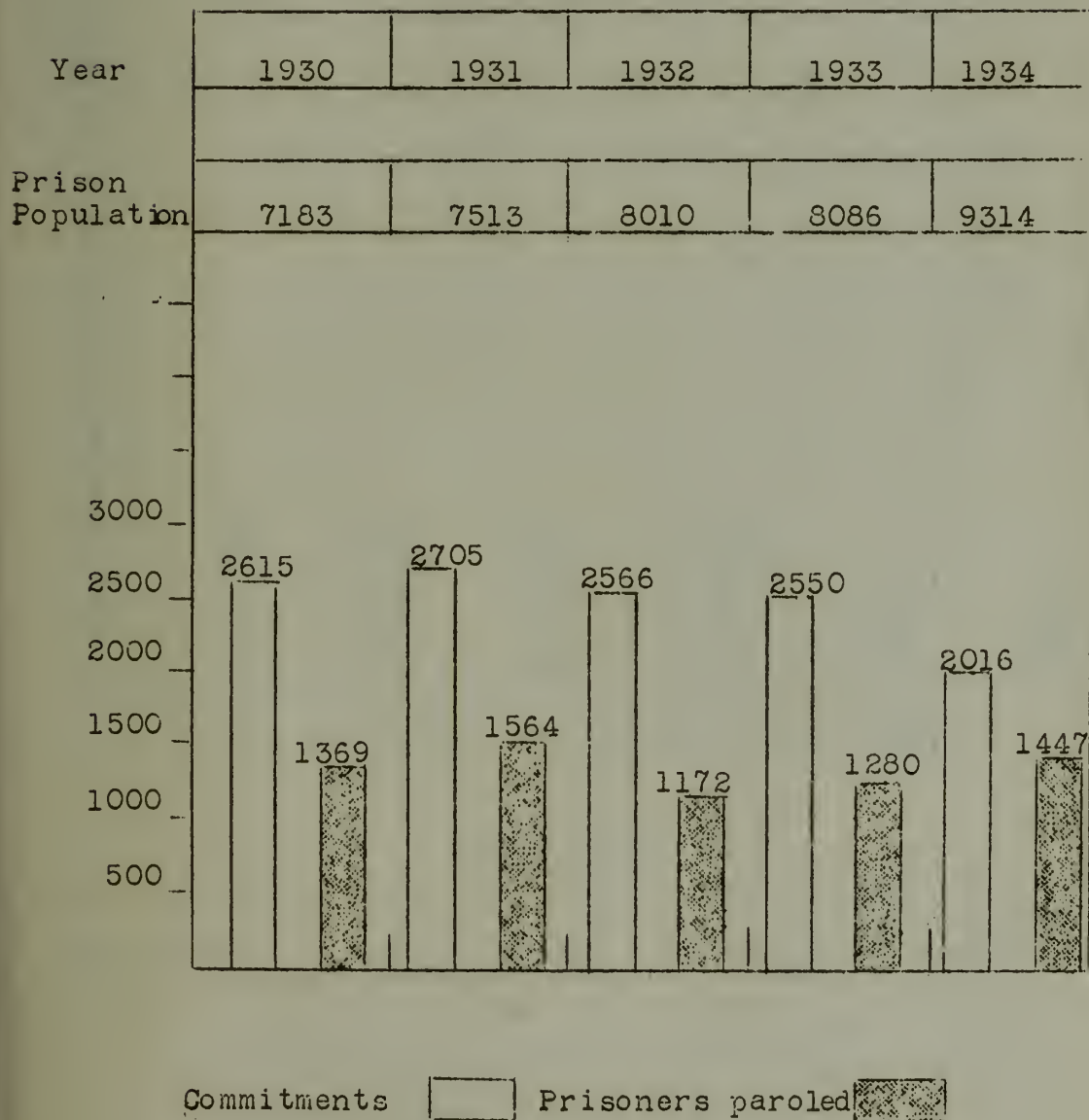
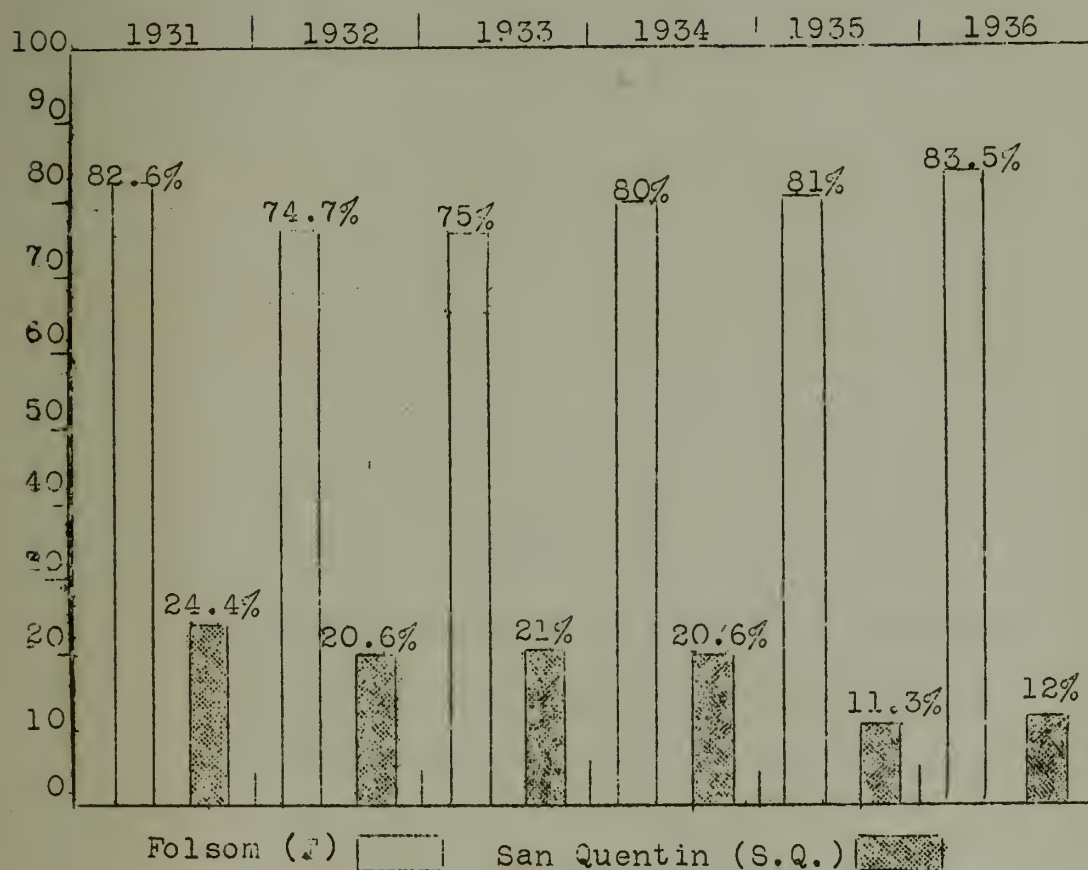


CHART D

PERCENTAGE OF RECIDIVISM IN SAN QUENTIN AND FOLSOM PRISONS
FOR PERIOD 1931-1936



RECAPITULATION

COMMITMENTS		RECIDIVISTS		PERCENTAGE		TOTAL PERCENTAGE OF RECIDIVISM IN
Year	(F) (S.Q.)	(F) (S.Q.)	(F) (S.Q.)	(F) (S.Q.)	(F) & (S.Q.)	
1931	205 1710	748 418	82.6% 24.4%		44.5%	
1932	708 1997	529 413	74.7% 20.6%		34.8%	
1933	628 1938	471 408	75 % 21 %		34.1%	
1934	622 1928	500 397	80 % 20.6%		35.1%	
1935	620 1504	504 170	81 % 11.3%		31.7%	
1936	614 1344	513 162	83.5% 12 %		34.4%	

CHART E

CHAPTER IV

STATISTICS RELATING TO PAROLE IN CALIFORNIA
AND SAN FRANCISCO AND FACTORS OTHER THAN
PAROLE AFFECTING CRIME IN SAN FRANCISCO

CHAPTER IV

Table 8

PAROLE AND RELATED STATISTICS FOR CALIFORNIA AND SAN FRANCISCO

Reported Violations of Parole by New Offense and "Other Violations" compared with Parole Population from July 1, 1930 to June 30, 1935.

(From Reports of Board of Prison Terms and Paroles)

	VIOLATIONS			Parole Popul- ation	Percent- age Viola- tion to Par- ole Popul- ation	Percentage of Viola- tion by New Of - fense
	New Of- fense	Other	Total			
July 1, 1930 to June 30, 1933	128	71	199	3185	6.2 %	64.3%
1932-1933	68	73	141	2424	5.8%	48.2%
1933-1934	74	140	214	2413	8.8%	34.5%
1934-1935	100	184 (a)	284	2412	11.8%	35.0%

(a) Of the 184 reported, 152 were delinquents who failed to submit monthly reports, and 32 failed to comply with other rules.

TABLE 9

From records of San Francisco Bureau of Identification showing for five-year period San Francisco apprehensions while on parole, probation or release by suspended sentence; convictions where there has been prior parole, probation or suspended sentence; convictions where ultimately there was parole, probation or suspended sentence; relation of apprehensions for violation of parole or probation to total felony apprehensions.

Total number of cases docketed during period July 1, 1929 to June 30, 1934 8,447

Total apprehensions while on parole or probation:	
Parole	119
Probation	<u>100</u>
TOTAL FOR PERIOD..	
	219

Percentage total apprehensions while on parole or probation to total felony apprehensions for period:	
Parole .....	.006
Probation	<u>.005</u>

Number parole or probation apprehensions for law violation other than violation of parole or probation rules. - Period from July 1, 1929 to June 30, 1934:

Violation parole rules	82
Other offense than violation of parole rules	32
Violation of parole rules - plus other offense	5
Violation of probation rules	46
Other offense than violation of probation rules	52
Violation of probation rules - plus other offense	<u>2</u>
TOTAL FOR PERIOD..	
	219

Cases where Parole - Probation - Suspended Sentences granted in final disposition of 9,774 cases.

1929 - 1935

	<u>PAROLE</u>	<u>PROBATION</u>	<u>SUSPENDED SENTENCE</u>
Totals	343	1,169	1,047

TABLE 9
(Continued)

Percentage of ultimate Parole, Probation or Suspended Sentence in 9,774 Cases .....	.26
Percentage Parole .....	.035
Percentage Probation .....	.118
Percentage Suspended Sentence	<u>.107</u>
TOTAL .....	.26

Convictions where there was prior Parole, Probation or
Suspended Sentence from July 1, 1929 to June 30, 1934:

- A Equals San Quentin or Folsom Sentences
- B Equals those sentences from Misc. States

	<u>PAROLE</u>	<u>PROBATION</u>	<u>SUSPENDED SENTENCE</u>
(A)	167	99	146
(B)	56	4	10

Percentage total felony convictions (4,790) for five-year period having prior parole record in California .....	.035
Percentage total felony convictions (4,790) for five-year period having prior parole record outside California.....	.012
Percentage total felony convictions for five-year period having prior probation record in California .....	.02
Percentage total felony convictions for five-year period having prior suspended sentence record in California ....	.03
Percentage total felony convictions for five-year period having prior suspended sentence record outside of California .	.002

TABLE 10

SAN FRANCISCO POLICE DEPARTMENT RECORDS
SHOWING APPREHENSIONS FOR VIOLATION OF PAROLE OR PROBATION

PAROLE VIOLATION APPREHENSIONS:

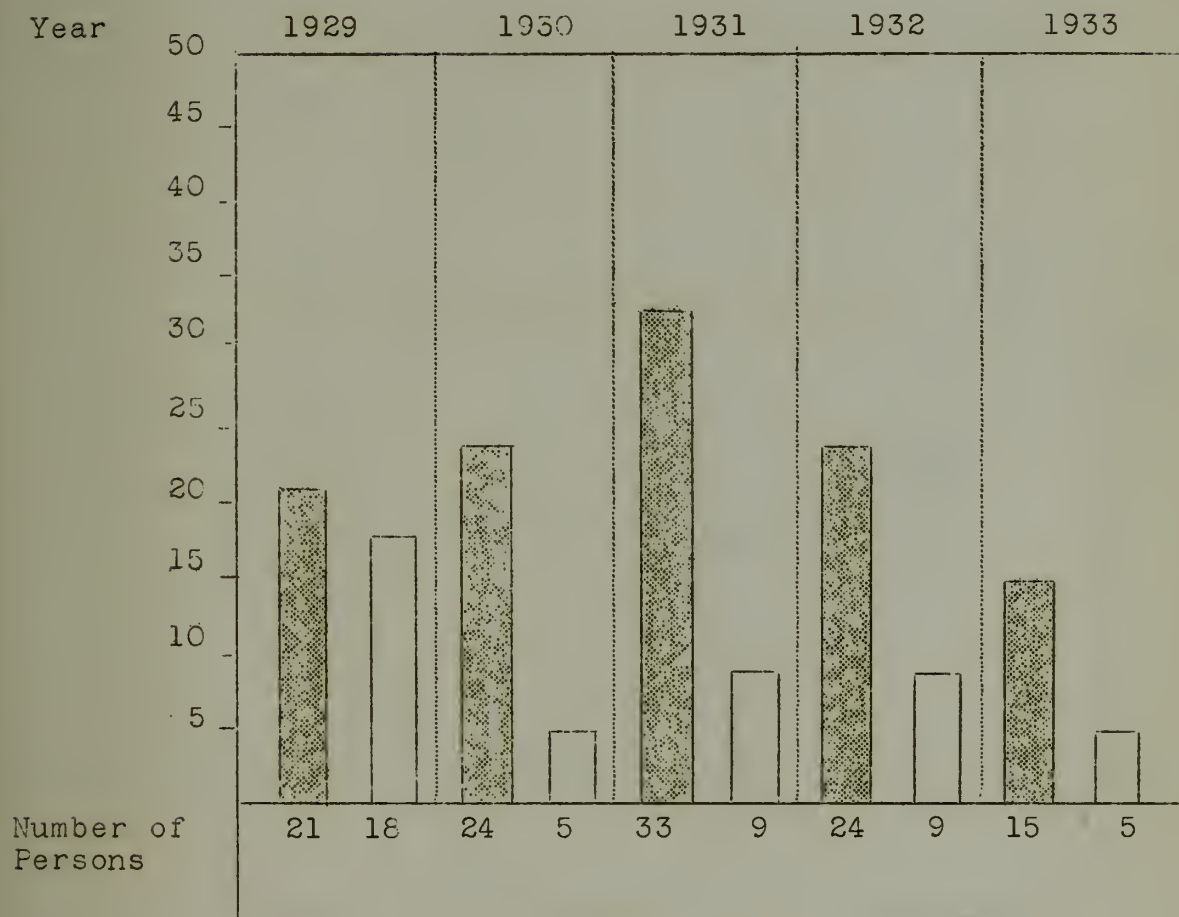
1929-1930	21
1930-1931	24
1931-1932	33
1932-1933	24
1933-1934	<u>15</u>
TOTAL	117

PROBATION VIOLATION APPREHENSIONS:

1929-1930	18
1930-1931	5
1931-1932	9
1932-1933	9
1933-1934	<u>5</u>
TOTAL	46

APPREHENSIONS FOR VIOLATION OF PAROLE OR PROBATION, 1929-1933

(San Francisco Police Department Records)

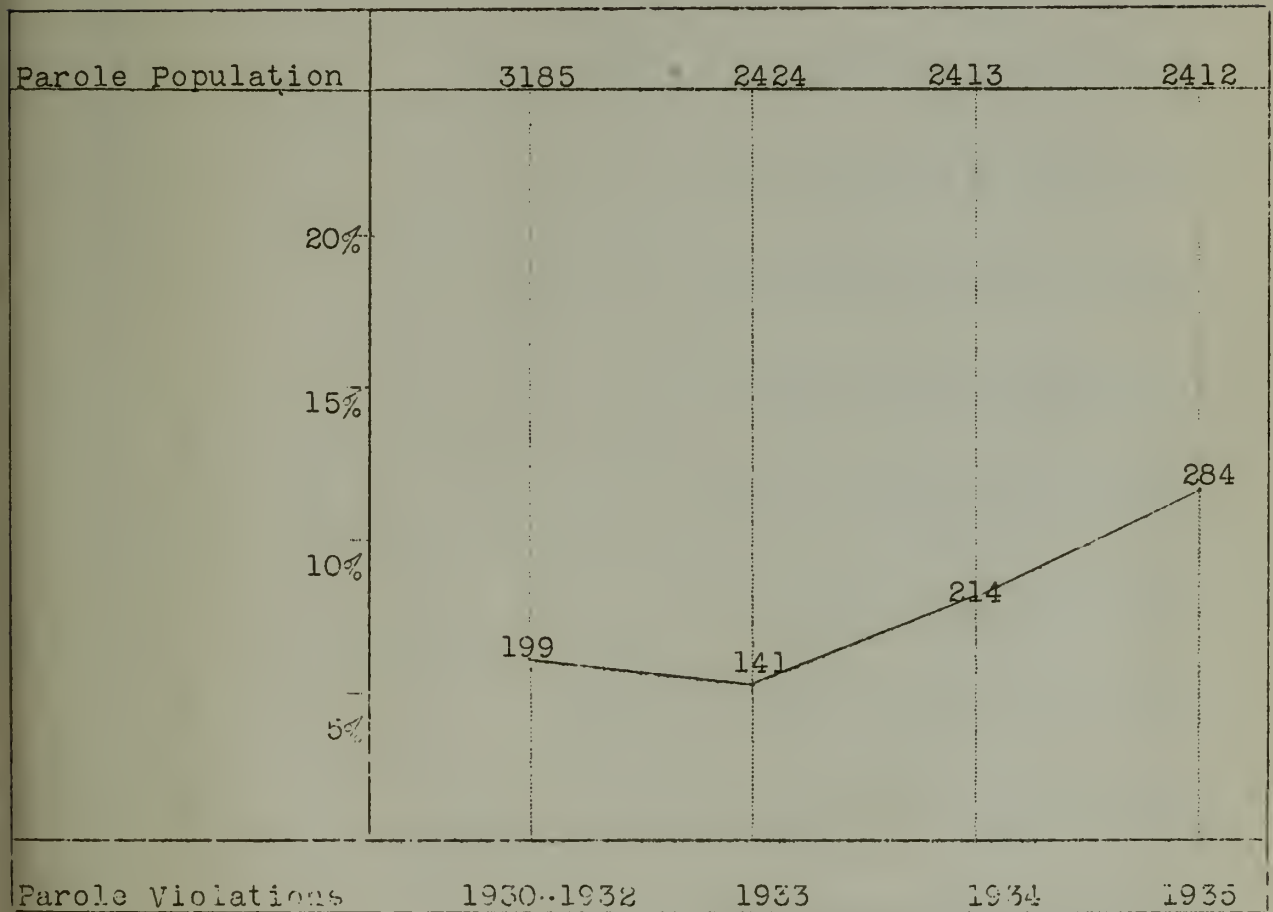


Parole Violation Apprehensions.....

Probation Violation Apprehensions

CHART F

PERCENTAGE PAROLE VIOLATIONS IN CALIFORNIA
 COMPARED WITH TOTAL PAROLE POPULATION
 1930 - 1935



RECAPITULATION

Year	Parole Population	Parole Violations
1930-32	3185	199 6.8%
1933	2424	141 5.8%
1934	2413	214 8.8%
1935	2412	284 11.8%

CHART G.

TABLE 11

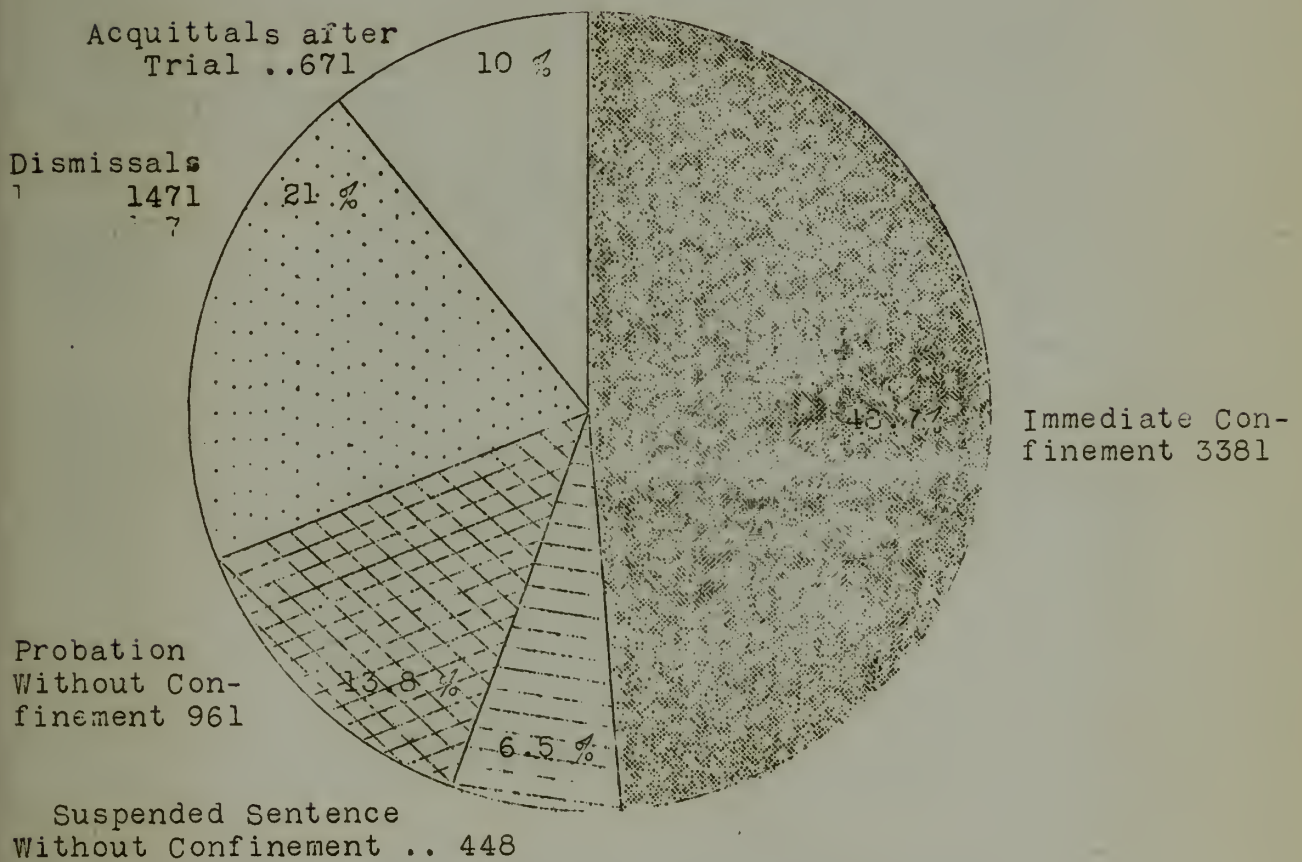
ANALYSIS SHOWING DISPOSITION OF 6,932 FELONY CASES

IN SAN FRANCISCO COUNTY SUPERIOR COURT FOR FIVE (5) YEARS ENDING JUNE 30, 1934

(Group Numbers are Arbitrary)

Group	1	2	3	4	5	6	7	8	9	10	11	12	13	14	TOTALS ...
Felony Cases	646	282	381	262	390	715	909	445	535	848	228	770	308	213	6932
Immediate Pleas Guilty (1st Plea)	275	107	142	100	135	321	344	157	98	81	45	202	61	60	2128
Plea Guilty After Plea Not Guilty	174	88	107	80	121	220	291	106	58	78	39	181	57	50	1650
Remaining Not Guilty Pleas	185	72	103	92	100	162	206	181	245	326	43	336	90	86	2227
Total Of Calendar and Other Dismissals	41	20	43	23	41	38	87	70	244	415	86	216	102	45	1471
Dismissals by District Attorney	18	12	4	13	18	21	48	36	124	186	52	134	47	12	725
Acquittal After Trial	18	4	6	12	15	6	36	29	120	227	37	86	60	15	671
Convictions After Trial	138	63	83	47	78	130	151	83	171	206	21	115	28	43	1042
Total Convictions	587	258	332	227	334	671	786	346	171	105	468	146	153		4790
Total Cases Immediate Commitment	373	186	162	160	246	539	568	255	130	152	73	339	95	103	3381
Committed to Penitentiary	121	64	32	55	62	140	167	81	36	41	20	103	15	24	961
Committed to Jail or Other Institutions	252	122	130	105	184	399	401	174	111	53	236	80	79		2420
Suspended Sentence With- out Confinement	62	13	73	15	29	46	83	27	14	12	15	34	13	12	448
Probation Without Con- finement	105	40	63	27	34	40	116	42	24	32	14	75	22	29	663
Order of Restitution or Fine Only	47	19	34	25	25	46	19	22	3	10	3	20	16	9	298
Jail Sentence as Part of Probation	55	56	21	4	3	83	88	52	23	11	14	35	17	6	468

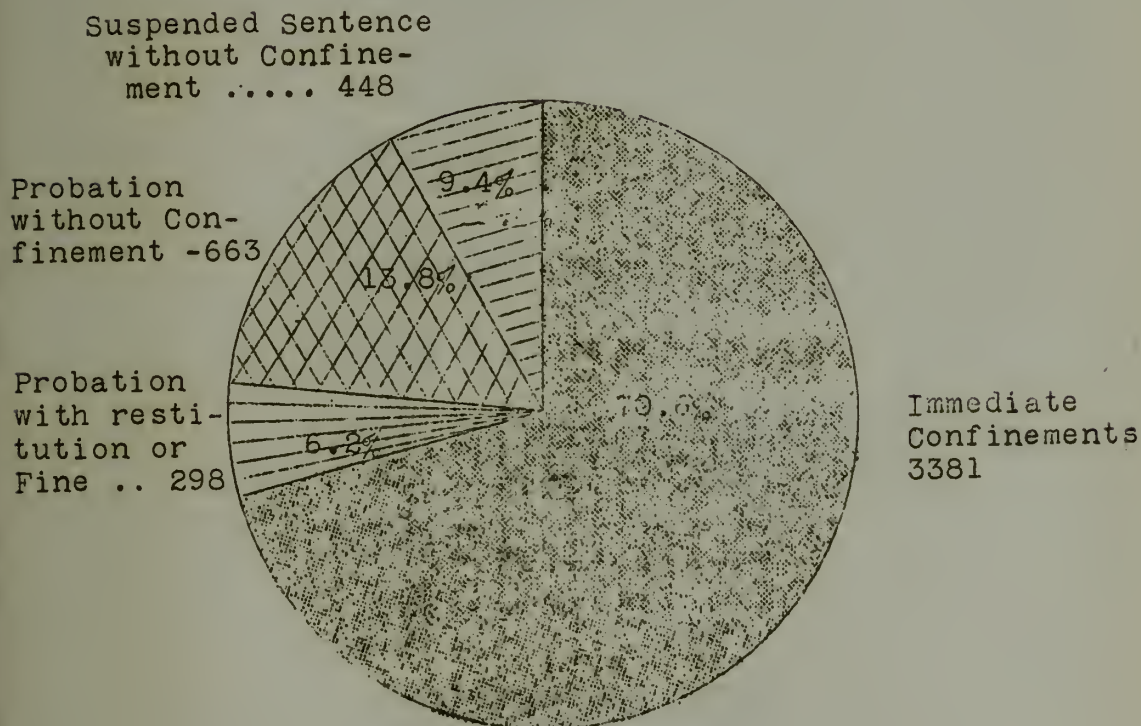
Disposition of 6,932 Felony Cases in
San Francisco Superior Court 1929-1934



	No.	%
Immediate Confinements	3381	48.7
Suspended Sentence without Confinement	448	6.5
Probation without Confinement	961	13.8
Dismissals	1471	21
Acquittals after Trial	671	10
Total docketed Cases	6932	100 %

CHART H

DISPOSITION OF 4790 FELONY CONVICTION CASES
IN SAN FRANCISCO SUPERIOR COURT 1929 - 1934.



Total Non-Confinement Cases 1409 (29.4%)

	No.	%
Immediate Confinements	3381	70.6%
Probation with restitution	298	6.2
Probation without confinement	663	13.8
Suspended Sentence without Confinement.	448	9.4
Total Convictions	4790	100%

CHART I

SUMMARY OF PROCEEDINGS IN 6932 FELONY CASES
DOCKETED IN SAN FRANCISCO SUPERIOR COURT 1929-1934

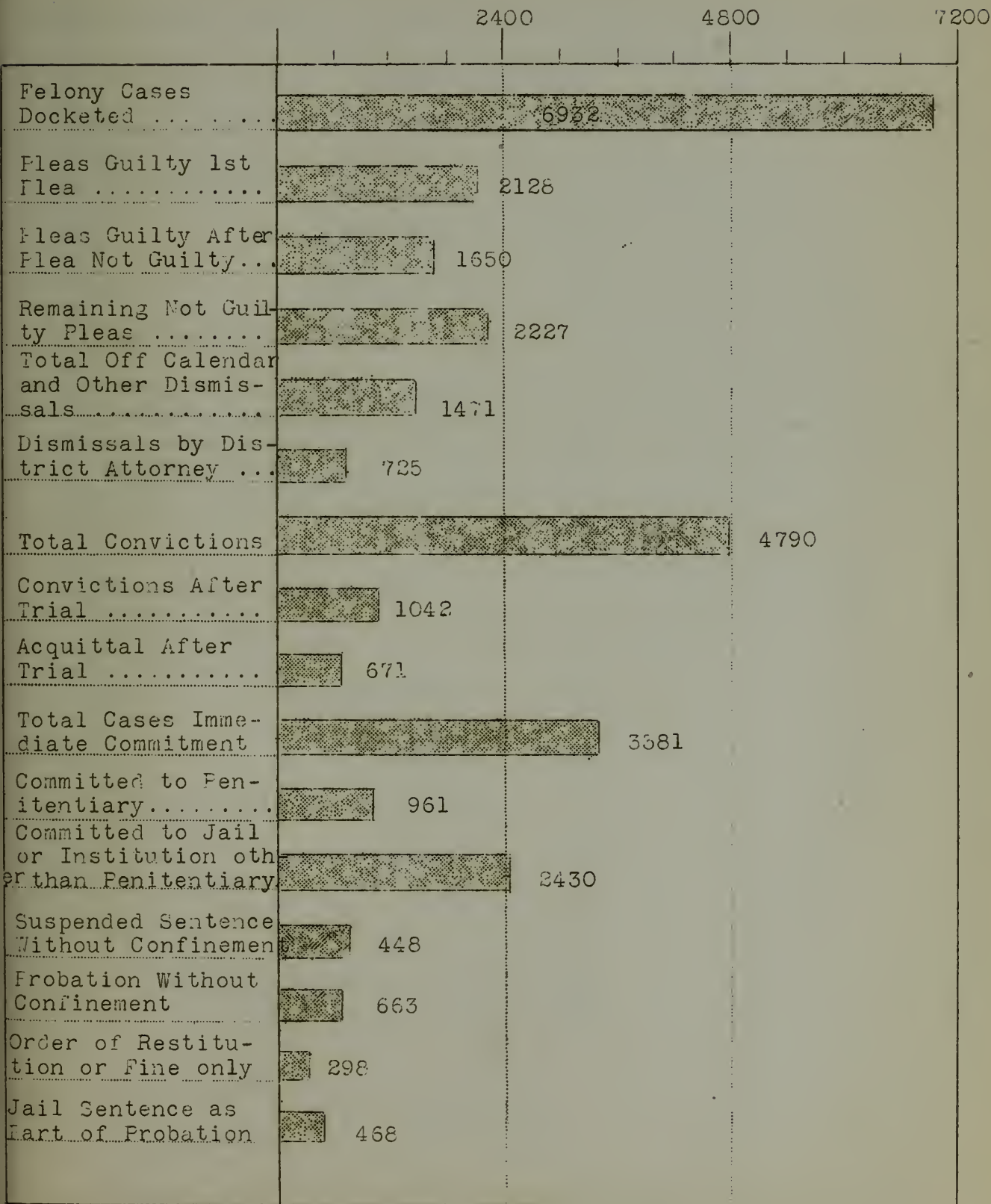


TABLE 12

SUPERIOR COURT RECORDS (SAN FRANCISCO).

Murder and Manslaughter Cases

and

Disposition of same for Period July 1, 1929 to July 1, 1934.

Total Murder Cases 84

DISPOSITION:

Acquittals	27	
Convictions	49	
Dismissals	4	
Off Calendar	<u>4</u>	..... 84

SENTENCE AFTER CONVICTION:

Penitentiary Life Sentence	17
Penitentiary Death Sentence	7
Penitentiary Term of Years	19
Preston School	2
Sent to Insane State Hosp.	3
Suspended Sentence	<u>1</u>
	49

Total Manslaughter Cases 72

DISPOSITION:

Acquittals	37	
Convictions	19	
Dismissals	14	
Off Calendar	<u>2</u>	..... 72

SENTENCE AFTER CONVICTION:

County Jail and Probation	4
County Jail & Restitution	1
Penitentiary Years Sentence	2
Preston School	1
Probation without Confinement	7
Suspended Sentence	2
Sent to Insane State Hospital	<u>2</u>
	19

TABLE 13

SAN FRANCISCO BUREAU OF IDENTIFICATION

Record of Murder Convictions .

I. Total Convictions July 1, 1929 to July 1, 1934	49
II. Total Convictions with previous record	13
Total Convictions with no previous record	36

III. Previous record - Nature of Violation:

(Bureau of Identification Numbers)

51503 Volstead Act
45751 Forgery
45703 Vehicle Act
46050 Manslaughter
35071 United States Army Insubordination - Nar-
cotic Act
48238 Robbery
21773 Penal Code 277 - 2 Burglary - Attempt to
Commit Murder
49987 Larceny
26061 Attempt to Commit Murder
28256 Robbery
37305 Larceny - Vagrancy - Battery - Disturbing
the Peace
38289 Battery - Disturbing the Peace
44725 Robbery

IV. On parole when murder was committed

1 - 26061

TABLE 14

ANALYSIS OF MANSLAUGHTER AND MURDER CASES
COMPILED FROM THE MUNICIPAL COURT
RECORDS, JULY 1, 1929 TO
JUNE 30, 1934.

APPREHENSIONS

Manslaughter.....	469
Murder	<u>91</u>
TOTAL	560

DISMISSEALS

Manslaughter	400
Murder	<u>38</u>
TOTAL	438

HELD TO ANSWER

Manslaughter	55
Murder	<u>52</u>
TOTAL	107

NO RECORD BEYOND BOOKING

Manslaughter	14
Murder	<u>1</u>
TOTAL	15

RESULT OF MAJOR AND MINOR CRIME CONVICTIONS
IN SAN FRANCISCO SUPERIOR COURT JULY 1, 1929 TO JUNE 30, 1934.

MAJOR CRIMES	TOTAL CASES	TOTAL NON - CON - VIC - TIONS	NUMBER SENTEN- CED TO COUNTY JAIL	NUMBER GIVEN SENTENCE TO PENITENT JAIL	NUMBER GIVEN SUSP. SENT.	NUMBER CRAN - TED PROBA- TION	PERCENTAGES					SUSPEN- DED SEN- TENCE TO COUNTY JAIL	SUSPEN- DED SEN- TENCE TO PENITENT JAIL	TIO
							CON- VIC- TIONS	CON- VIC- TIONS	CON- VIC- TIONS	CON- VIC- TIONS	CON- VIC- TIONS			
Arson	8	2	6	0	0	1	25%	75%	0%	0%	50%	0%	50%	50%
Assault with intent to com- mit murder....	128	46	82	15	25	0	35%	65%	33%	54%	0%	13%	0%	0%
Assault with deadly weapon	164	78	86	7	56	0	49%	52%	9%	72%	0%	14%	5%	5%
Burglary....	889	643	246	180	352	12	72%	28%	28%	55%	2%	2%	13%	13%
Burglary with gun....	2	2	0	2	0	0	100%	0%	100%	0%	0%	0%	0%	0%
Attempt to commit bur- glary.....	40	31	9	7	15	0	77%	23%	23%	48%	0%	10%	10%	10%
Grand Theft	752	362	390	91	167	7	48%	52%	25%	46%	2%	7%	20%	20%
Kidnaping	2	1	1	1	0	0	50%	50%	100%	0%	0%	0%	0%	0%
Manslaughter	72	19	53	4	6	2	25%	74%	21%	32%	10%	0%	37%	37%
Murder.	84	49	35	46 *	2	1	58%	42%	94%	4%	2%	0%	0%	0%
Rape.....	90	38	52	12	20	0	42%	58%	32%	53%	0%	5%	10%	10%
Attempt to commit rape	9	3	6	2	1	0	33%	67%	67%	33%	0%	0%	0%	0%
Robbery.....	984	665	319	410	217	1	68%	32%	62%	32%	0%	2%	4%	4%
Attempt to commit robbery	85	48	37	26	17	2	56%	44%	54%	36%	4%	0%	6%	6%
Train wreck- ing.....	0	0	0	0	0	0	0%	0%	0%	0%	0%	0%	0%	0%

* Includes 7 death sentences.

CARRIED FORWARD

TABLE 15
(Continued)

	NUMBER				PERCENTAGES			
	TOTAL	NUMBER SENTENCED TO COUNTY PENITENT JAIL	NUMBER SENTENCED TO COUNTY JAIL	NUMBER GRANTED PROBATION	NON-CON-VICTIONS	SENTENCED TO COUNTY JAIL	SUSPENDED SENTENCE TO COUNTY JAIL	PROBATION
MAJOR CRIMES	CON - VIC - TIONS	CON - VIC - TIONS	CON - VIC - TIONS	CON - VIC - TIONS	CON - VIC - TIONS	CON - VIC - TIONS	CON - VIC - TIONS	CON - VIC - TIONS
Code Sections	54	73	160	7	7	60	85%	15%
(Visc.) (476, 476a, 288, 286)	361 307	361 307	361 307	361 307	361 307	361 307	361 307	361 307
GRAND TOTALS	3670 2294	1376 876	1038 1038	33 78	269 269	62% 62%	38% 38%	20% 12%

MINOR CRIMES

Assault.....	59	44	15	75%	25%
Forgery.....	434	305	129	70%	30%
Miscellaneous	743	504	239	48%	52%
Narcotic Act	1334	1187	147	89%	11%
Receiving	82	53	29	64%	36%
Stolen Prop.	610	403	207	60%	40%
Vehicle Act	3262	2496	766	76%	24%
Total ...	6932	4790	2142	69%	31%
GRAND TOTAL	6932	4790	2142	69%	31%

RECAPITULATION OF APPREHENSIONS

MAJOR CRIMES	3,670
MINOR CRIMES	3,262
HABEAS CORPUS	560
TOTAL	7,492

PERCENTAGE OF CONVICTIONS, COMMITMENTS, SUSPENDED SENTENCES AND PROBATIONS IN CERTAIN TYPES OF FELONY CASES IN SAN FRANCISCO SUPERIOR COURT, 1929-1934. (Convictions = 100%).

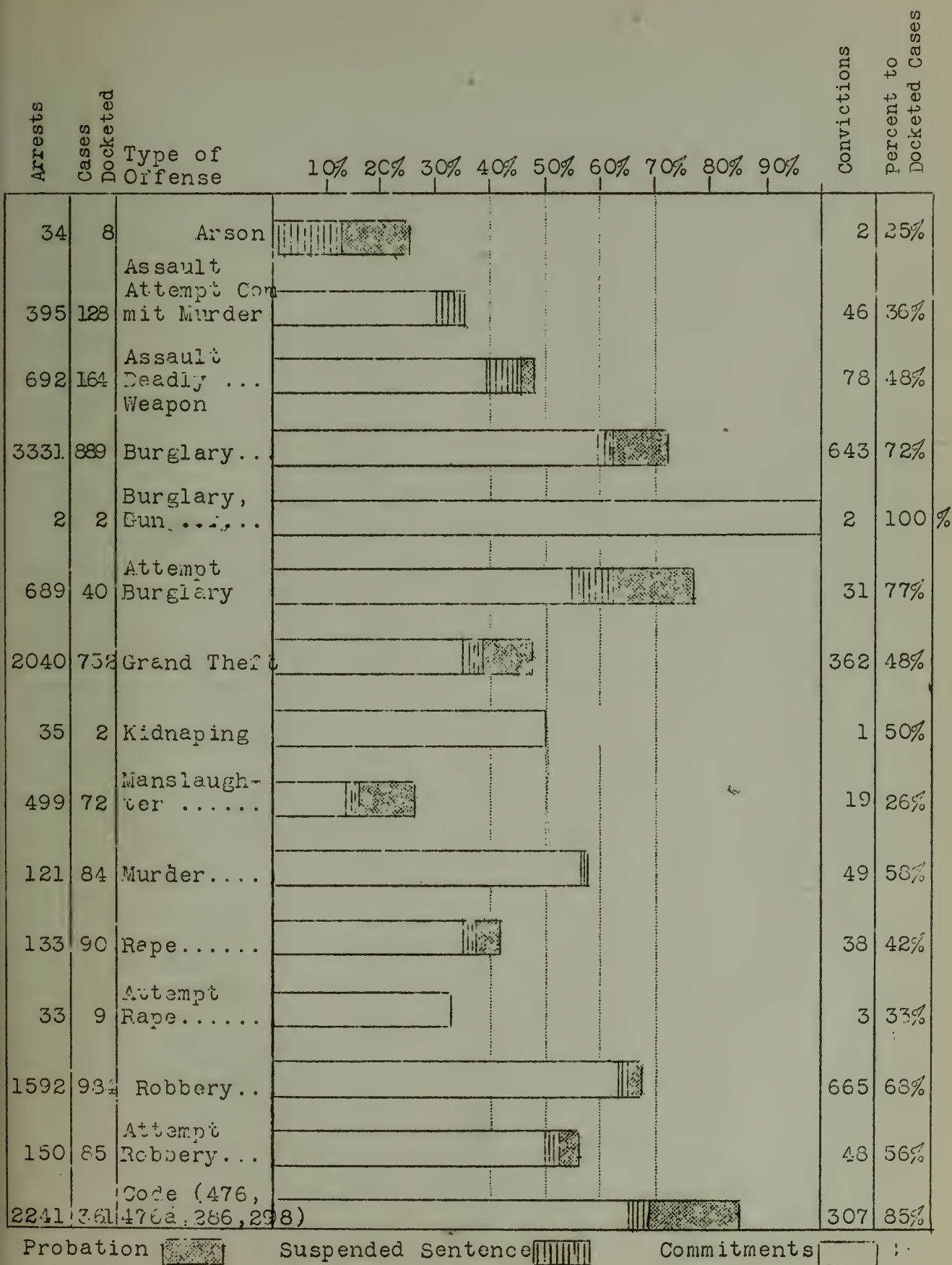


CHART K

FELONY ARRESTS IN THE CITY AND COUNTY OF SAN FRANCISCO

SHOWING TYPE OF OFFENSE CHARGED - JULY 1, 1929 TO JUNE 30, 1934

(From records of the Property Clerk - Police Department).

TYPE OF OFFENSE	FISCAL YEAR ENDING:					TOTAL FOR FIVE YEARS
	6/30/30	6/30/31	6/30/32	6/30/33	6/30/34	
Abandonment and Neglect of Wife	23	25	10	22	22	102
Abduction	-	-	-	1	-	1
Abortion	-	2	3	1	-	6
Aiding Prisoners to Escape	3	-	-	-	-	3
Arson	7	10	5	3	9	34
Arson - Attempted	1	-	1	-	-	2
Assault - Bodily Injury...	66	58	49	42	58	273
Assault - Grand Larceny...	1	-	-	-	-	1
Assault - Deadly Weapon ..	164	132	118	135	143	692
Assault - Murder	69	84	120	60	62	395
Assault - Rape	8	8	9	4	4	33
Assault - Robbery	10	4	6	2	1	23
Attempt to Murder	5	-	5	2	5	17
Bigamy	2	7	3	-	3	15
Burglary Tools - Possession	7	15	15	6	6	49
Burglary	598	792	776	626	539	3331
Burglary Attempted	43	61	34	26	33	198
Chapter 339 - Gun Law.....	289	296	346	193	200	1324
Compounding a Crime.....	-	-	-	2	-	2
Conspiracy	3	13	15	22	10	63
Contributing Delinquency of Minors	159	132	100	108	155	654
Crime Against Nature	18	12	11	3	13	57
Criminal Syndicalism	-	-	-	7	-	7
Driving While Drunk.....	284	249	256	164	202	1155
Drug Law (Poison)	265	396	420	282	326	1689
Dynamite (Possession).....	-	-	2	-	-	2
Embezzlement	1	4	1	1	1	8
Extortion	5	4	10	9	1	29
Extortion Attempted	3	-	4	4	8	19
Fictitious Checks	247	223	243	140	139	992
Fictitious Instruments....	78	139	154	159	116	646
Forgery	118	113	79	76	59	445
Harrison Narcotic (Federal)	135	69	79	67	63	413
Hit and Run Driving	89	122	119	125	109	564
Ill Fame (Place Female)...	1	1	2	2	-	6
Ill Fame (Wife)	3	4	4	1	-	12
Incest	1	3	-	1	-	5
Kidnapping	6	6	9	6	8	35
Larceny - Grand	510	459	406	348	317	2040
Larceny - Attempted	5	16	5	10	5	41
Manslaughter	112	91	97	92	107	499
Mayhem	7	2	6	5	6	26

(Continued)

TABLE 16 (Continued)

TYPE OF OFFENSE	FISCAL YEAR ENDING					TOTAL FOR FIVE YEARS
	6/30/30	6/30/31	6/30/32	6/30/33	6/30/34	
Murder	14	30	31	15	31	121
Parole Violators	21	24	33	24	15	117
Perjury	2	-	3	-	1	6
Rape	32	34	30	13	24	133
Rape - Attempted	-	4	2	1	-	7
Receiving Stolen Goods....	45	23	53	58	51	230
Removing Mortgaged Property	16	44	49	27	28	164
Robbery	332	363	366	295	236	1592
Robbery Attempted	25	26	49	20	30	150
Seduction	1	4	10	3	-	18
Sex Offense Children.....	21	20	19	28	55	143
Sodomy.....	5	-	1	1	5	12
Sodomy Attempted	2	-	-	1	-	3
State Pander Law	5	2	4	3	4	18
State Pimp Law	6	3	3	5	3	20
Stink Bombs	-	-	-	1	-	1
Taking Motor Vehicles	126	131	140	145	81	623
Threats to Kill	98	76	86	74	75	409
Use of Red Flag (403-A Pen- al Code)	10	-	-	-	-	10
TOTALS PER YEAR	4,107	4,336	4,402	3,471	3,369	19,677

PERCENTAGE DISTRIBUTION OF 19,677 FELONY ARRESTS IN CITY
AND COUNTY OF SAN FRANCISCO, BY TYPES, WHERE THERE
WERE 400 OR MORE ARRESTS FOR SAME TYPE OF
OFFENSE FROM JULY 1, 1929 TO
JUNE 30, 1934.

TYPE OF OFFENSE	NUMBER OF ARRESTS FOR FIVE YEARS	PERCENTAGE OF 19,677
Assault - Deadly Weapon	692	4 %
Burglary	3331	17 %
Chapter 339 - Gun Law	1324	7 %
Contributing Delinquency of Minors	654	3 %
Driving While Drunk	1155	6 %
Drug Law (Poison)	1689	9 %
Fictitious Checks	992	5 %
Fictitious Instruments	646	3 %
Forgery	445	2 %
Harrison Narcotic (Federal) ...	413	2 %
Hit and Run Driving	564	3 %
Larceny - Grand	2040	10 %
Manslaughter	499	2 %
Robbery	1592	8 %
Taking Motor Vehicles	623	3 %
Threats to Kill	409	2 %
All Other Types	2609	14 %
		100 %

TABLE 17

MAJOR FELONIES IN 4,790 SUPERIOR COURT CONVICTIONS FROM
JUNE 30, 1929 TO JULY 1, 1934, SHOWING TYPE OF MAJOR
OFFENSE WHERE SUSPENDED SENTENCE OR PROBATION
OR RESTITUTION AND FINE WITHOUT CONFINEMENT
FOLLOWED CONVICTION.

	<u>Immediate Probation</u>	<u>Suspended sentence, without require- ment to report to probation officer.</u>
Arson	1	1
Assault with intent - Murder.	0	6
Assault - Deadly Weapon	4	11
Burglary	86	25
Burglary (With Gun)	None	None
Attempt to Commit Burglary...	6	3
Grand Theft	72	32
Kidnapping	None	None
Murder	None	1
Manslaughter	7	2
Robbery	26	12
Attempt to Commit Robbery ...	3	2
Rape	4	2
Narcotics	37	182
Other Offenses	417	169

RECAPITULATION:

Total suspended sentence without requirement to report	448
Total placed on immediate probation	663
Total restitution and fine without confinement	<u>298</u>
GRAND TOTAL CONVICTIONS NOT FOLLOWED BY CONFINEMENT	1,409
PERCENTAGE OF TOTAL CONVICTIONS NOT FOLLOWED BY CONFINEMENT	29.3%

TABLE 13

SAN FRANCISCO SUPERIOR COURT CASES - JULY 1, 1929
TO APRIL 1935 - WHEREIN DEFENDANT WAS CHARGED WITH COMMISSION OF ONE OR MORE
PRIOR OFFENSES.

ANALYSIS OF PRIORS

	NUMBER OF PRIORS						TOTAL
	1	2	3	4	5	6	
Total cases with priors admitted	138	67	15	0	1	1	<u>272</u>
Total number with admitted priors sentenced to penitentiary	70	19	3	0	0	0	92
Total number with admitted priors sentenced to jail.....	113	33	6	0	0	1	153
Total number with admitted priors sentenced to probation	9	0	1	0	0	0	10
Total number given suspended sentence with admitted priors	15	2	0	0	0	0	<u>17</u> <u>272</u>
Total cases with priors <u>denied</u> . This includes 77 cases charged with priors that record does not disclose admission or denial	180	40	9	3	1	0	<u>233</u>
Total number with denied priors sentenced to penitentiary	91	9	4	0	0	0	104
Total number with denied priors sentenced to jail	86	21	6	0	0	0	113
Total number with denied priors sentenced to probation	6	0	0	0	0	0	6
Total number with denied priors given suspended sentence	3	1	1	0	0	0	<u>10</u> <u>233</u>
Total number with priors admitted and denied - 505 cases - divided as follows.....	333	107	24	3	2	1	<u>505</u>

(Continued)

TABLE 13
(Continued)

NUMBER OF PRIORS							
1	2	3	4	5	6		<u>TOTAL</u>
The total number with priors does not include:							
Off calendar cases	....	24					
Not guilty cases	.....	16					
Dismissed cases	.....	28					
Set for future trial...		26					
<u>TOTAL</u>	.....	94					
Total number admitted priors							
dismissed by District Attorney	9	3	2	0	1	0	15
Total number denied priors							
dismissed by District Attorney	18	9	0	1	0	0	27

TABLE 19

PREDOMINATING CHARGES (OTHER THAN FELONIES) IN SAN FRANCISCO

POLICE APPREHENSIONS 1929-1934.

YEAR	TOTAL AP- PREHEN- SIONS NOT INCLUDING TRAFFIC BUREAU	TOTAL TRAFFIC BUREAU APPRE- HEN- SIONS	AR- RESTS FOR BEG- GING	AR- RESTS FOR VAGRAN- CY	AR- RESTS FOR GAMB- LING	AR- RESTS FOR TITU- TION	AR- RESTS FOR DRUG ACT	DRUNK IN PU- BLIC PLACES	MOTOR VEHI- CLE ACT	DISTURB- ING PEACE
1929-30	62910	70452	478	9062	8682	2342	265	14408	- - -	- - -
1930-31	61075	59735	919	10808	6624	2899	465	14717	7783	- -
1931-32	61075	73533	2540	17466	5370	3266	499	14472	7837	- -
1932-33	63933	53369	2311	14671	7088	2561	349	14561	- -	- -
1933-34	69300	61957	1951	14098	6095	1946	466	19915	- -	1244
TOTAL	318293	319046	8199	66105	33859	13014	2044	78073	15620	1244

APPREHENSIONS FOR FELONIES IN POLICE REPORTS FOR YEARS ENDING:

JUNE 30, 1930 TO JULY 1, 1934.

June 30, 1930	3,239
June 30, 1931	5,640
June 30, 1932	3,658
June 30, 1933	3,407
June 30, 1934	3,576

POLICE DEPARTMENT - SAN FRANCISCO
Annual Report on Murders
July 1, 1929 to June 30, 1934.

Year	Murders Committed	Suicide of Murderer	Murderer killed by Police	Apprehensions
1929-30	25	3	--	14 (16) (a)
1930-31	38	10	--	30
1931-32	40	4	2	31 (39) (a)
1932-33	20	4 (Before ap- prehensions (b))	--	15
1933-34	37	7	2	31
	<u>160</u>			<u>121</u>

(a) - Discrepancy in police report between list of apprehensions and summary of murders.

(b) - Except in this instance report does not show whether suicides occurred before or after apprehensions.

TABLE 19
(Continued)

ANNUAL POLICE REPORTS

MANSLAUGHTER

Year ending	Motor Car	Other Types	Deaths Reported	Hit and	Run
June 30, 1950	101 plus	11	113	4	3
June 30, 1931	73 "	18	101	12	5
June 30, 1932	92 "	5	115 Reported	20 Arrests	11
June 30, 1933	87 "	5	92	12	6
June 30, 1934	99 "	8	120	8	5
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL	452	47	541	56	30
	47				
	<hr/>				
	499				

Total apprehen-
sions manslaughter
from Superior
Court records.. 71

Not in trans-
cript Superior
Court records
for this per-
iod 428

CHAPTER V
SUMMARY AND CONCLUSIONS

TABLE 20

REPORT OF CORONER OF CITY AND COUNTY OF SAN FRANCISCO

DEATHS BY VIOLENCE.

(In 1929-1934 the following causes
equal 53% of deaths by violence in San Francisco)

<u>YEAR</u>	<u>MOTOR VE- HICLES (SAN- FRANCISCO)</u>	<u>MURDERS</u>	<u>HOM- ICIDES</u>	<u>HOMICIDES BY POLICE</u>	<u>MAN- SLAUGH- TER</u>	<u>SUI- CIDES</u>
1929-1930	123	24	3	6	0	269
1930-1931	114	36	3	6	0	227
1931-1932	129	31	10	5	2	254
1932-1933	107	15	3	6	2	256
1933-1934	126	26	11	3	6	243
	<u>599</u>	<u>134</u>	<u>35</u>	<u>26</u>	<u>10</u>	<u>1254</u>

In a report made after an extensive study of parole systems for the Pennsylvania Parole Commission, Professor Clair Wilcox of Swarthmore College states - "Parole, criminology text writers claim, is one of the greatest contributions to penological science. While parole, according to magazine and sensational press, is a means for reformers and corrupt politicians to release crooks from just punishment. Both statements are in a measure true." Two difficulties in determining the extent to which either is true are lack of reliable statistics and loose definition or use of the term "parole." Parole boards in general, with the possible exception of New York, New Jersey and Federal, are not equipped, even if qualified and inclined to do so, to exercise the sort of supervision essential to formulate reliable reports on "success" or "failure" of parolees. The period of so-called supervision is usually too short, from six months to a year in most jurisdictions, to result in any lasting beneficial effect on the parolee or enable the supervising authority to determine with any degree of accuracy the effect of confinement and parole.

In criticising the system of parole, magazine and newspaper writers are inclined to charge the parole system with every case wherein a person who has ever been on parole commits a felony.

The American Parole Association in its "Declaration of Principles," (Exhibit B) recommends that release of all offenders from correctional and penal institutions should be by parole only, except for those who are pardoned, recalled by courts or who leave for some other exceptional or unforeseen circumstance. This recommendation is based quite entirely upon the theory that during the period of his readjustment supervision of the released prisoner

is desirable from the standpoint of the interest of the offender and of society. In some jurisdictions, notably in the Federal and, by agreement with the prisoner, in New York, it is now provided that all offenders upon release, whether by parole or commutation, (good conduct time credit) are subject to parole supervision for the remaining period of sentence, so that in these jurisdictions practically all released offenders are, for a time, under parole supervision. California does not keep under parole supervision prisoners who are discharged before the end of the maximum sentence by allowance of credit for good conduct, though Section #1168 of the Penal Code provides that good conduct time is allowed only on affirmative action of the Board of Prison Terms and Paroles.

In the report of the Attorney General of the United States for the year ending June 30, 1935, it is stated that the percentage of violations in the group released by action of the Federal Parole Board is 8%, whereas violations in the group released after serving full time, less time credit for good conduct, is 18%, indicating that the probabilities of commission of further violations by a released offender are greater where full time has been served, less time credit for good conduct, than where the period of confinement has been shortened by parole. It must be kept in mind that Federal sentences are for a definite period, fixed by the court at the time of pronouncement, whereas in California, as in most state jurisdictions, sentences are indefinite, usually a minimum and maximum, the definite term to be fixed by the parole board, so that to some extent in state jurisdictions the paroling authority does have some opportunity to express its opinion upon time of ultimate release.

At some time more than ninety per cent of committed offenders

must be discharged from prison. The tendency to widen the application of parole to include supervision of period of good time allowance will bring under parole supervision at some time before discharge substantially all felony offenders; that since this is true, it is not surprising that where the records show such a high and increasing number of recidivists many records are of persons who at some time have been on parole. Criticism of the parole system would be more enlightening if based upon facts disclosed in the criticism, thus; if instead of reporting commission of a crime by a "paroled convict" the public could be informed as to whether the "paroled convict" was a commutation parolee; whether at the time of commission of crime he was actually under parole supervision; and the extent to which possible period of confinement was shortened by parole.

Effect of Parole on Crime in San Francisco

In so far as San Francisco is concerned statistics for the year 1934-1935 disclose the following:

Approximate total felony apprehensions in San Francisco in 1934-1935	3600
Total California Parolees 1934-1935...	2412
Total California Parolees in San Francisco 1934-1935	147
Total parole violations in California by California parolees 1934-1935.....	284
Percentage of total parole violations to total on parole in California	11.7%
Approximate number of violations in San Francisco based upon percentage for State is	17
Which is four and seven tenths of one per cent of total felony apprehensions in San Francisco for the period.	

It would seem that the effect of parole on crime in San Francisco is so small as to be almost negligible, in so far as com-

mission of felonies by persons who were on parole at the time is concerned. Of course, if every person who has ever been on parole and who commits a felony is considered a product of the parole system, the figures will be different. Mr. J. Edgar Hoover, Director of the Federal Bureau of investigation, has stated: "That of the 13,010 most desperate vicious enemies of society listed in the identification files of the Federal Bureau, 3,734 have been touched by the magic wand of parole or pardon clemency."

In view of the fact that today nearly all imprisoned persons are at some time before final discharge under parole supervision, it is hardly correct to charge the delinquency of one who has at some time been on parole, and subsequent to his parole discharge committed a felony, to the fault of the parole system - unless the case shows that the individual was paroled before he was prepared for parole or before sufficiently punished for his offense.

Power of Parole Boards to Fix Punishment

This leads to a consideration of the indefinite sentence system and the wisdom of placing within the jurisdiction of parole boards power to determine the length of time which the individual shall spend in confinement. Possibly there would be little doubt of the wisdom of the parole system or the indefinite sentence system provided the authority administering these systems is qualified for the task.

The Wickersham Law Enforcement report endorses the suggestion that the jurisdiction of the court in criminal cases should end with a finding of "guilty" or "not guilty" and that fixing of the degree of punishment should be left entirely with a board constituted for the sole purpose of determining the degree or

extent of punishment to be meted out, but the Committee states that the present time may not be appropriate for this change. If we consider the prevailing method in selecting parole boards at present exercising authority over the degree or extent of punishment, we must conclude that the Committee is correct in its recommendation that power to fix the degree or extent of punishment should not at present pass out of control of the trial court, unsatisfactory as the exercise of that control may be.

The success or failure of a parole system in any jurisdiction where the parole board not only exercises authority to parole but fixes the time for parole and period of confinement, must depend entirely upon the qualifications of the administering board. The present too general method of appointing members of a parole board as a reward for political service, without much, if any, regard as to their qualifications to administer the wide social aspect of parole, can never produce satisfactory results from the standpoint of the best interests of society - or the convicted person. As a typical illustration, a change recently made in the personnel of the California Board of Prison Terms and Paroles: The announcement in the public press of the change was quite detailed relative to a description of the political reasons for the change - but contained no statement whatsoever of the qualifications of the individual who was to administer the duties to which he was appointed.

In this instance the appointee may be well qualified, but the point is he was not appointed because of any outstanding qualifications for the job, and if he happens to be qualified it is a fortunate accident. Under existing conditions it is only a

delusion to believe that a law requiring scientific skill in its administration can be satisfactorily administered where political consideration is the main factor in selecting the administrators. It is difficult to understand why the public at large continues to tolerate the inhuman practice of placing the destiny of thousands of unfortunate persons in confinement in charge of such administrators.

No matter how excellent and high of purpose any law may be, it cannot be made fool-proof, and it can always be wrecked by the human machinery selected to administer it. The reasonable test of any law, whether it is good or bad, can only be the examination of the results of its administration when administered by qualified administrators.

In 1935 the State of Washington amended its penal law - and along with other features provided that an appointee to the parole board could not at the time of appointment, or during his tenure of office, hold any official position in any political party and that full time must be devoted to the job. A similar law exists in the State of New York. Such a law should have a tendency to remove political influence and should ultimately operate to bring about selection of individuals who possess some real qualifications and some real interest in their work, but there should be, in addition, in the code or statute, some further affirmative provision of necessary qualifications.

Rules and Regulations Governing Parole

Each jurisdiction with which this report is concerned has established rules governing the eligibility of a prisoner for parole and rules for the guidance of parolee, while he is at liberty.

The United States Board of Parole and the Boards for New

York, Massachusetts and Illinois each have a printed booklet setting out in detail all the laws under which the parole board acts and the rules and regulations guiding the parole board in granting parole as well as those governing the conduct of the prisoner while at liberty. The Federal and New York 1936 editions contain not only a complete statement of rules and regulations but the code provisions relating to parole. These booklets are available to the prisoner and other interested persons. The New York Board also publishes, for the guidance of its parole officers, a "Manual of Policies and Procedure" of some 387 mimeographed pages. Washington State prints no rules; and the California Board of Prison Terms and Paroles issues a tiny leaflet to each prisoner released on parole containing rules governing his conduct, and an annual report, not given to parolees, containing a complete outline of the laws under which it derives its authority, which is available to interested persons.

All rules, regulations and laws under which a board of parole acts with full explanation of their purpose, should be published and accessible to prisoner and parolee. This would tend to help the prisoner understand the authority of the board, the reason for its attitude at the time of hearing on the application, the process of readjustment necessary to leading an orderly life outside the prison and more readily lead the parolee to seek the guidance of his parole officer in difficult situations.

Generally, rules governing eligibility for parole require good conduct record while in the institution; suitable employment awaiting prisoner paroled; consideration of the seriousness of offense of which prisoner stands convicted and whether or not he is likely to commit another offense - a hit or miss attempt to

gauge this last is based on the study of environment prior to apprehension, and environment to which he would be returned; his prior court, prison and parole records, as well as the impression secured by the parole board from examination of the prisoner at his parole hearing. Illinois requires a sponsor if the parolee is to remain in Chicago; the Federal parole board has abandoned general sponsorship, but is planning a modified form of sponsorship for individual cases - though requiring a lay advisor in each case; Massachusetts requires a sponsor for a satisfactory place to live; California and Washington do not require sponsors. Little or no attempt is made in California and most state jurisdictions to examine scientifically into the mental fitness of the inmate.

When at liberty the rules generally forbid carrying weapons; frequenting disreputable hangouts; joining evil associates; becoming intoxicated; using drugs; marrying; leaving the county of his residence; driving an automobile; breaking any law; changing employment or residence without notice; and require periodical written reports. California does not permit the driving of an automobile, truck or motorcycle or entering any room or place where liquor is sold or given away. Illinois does not permit the driving of an automobile for pleasure, or writing or visiting an inmate of prison. New York does not permit the parolee to live with a woman not his lawful wife, or make application to hunt, or write to an inmate of a prison.

Some of the regulations may be temporarily eased with the prior consent of the parole officer. The finding of a gun in an automobile in which the parolee is riding is construed as possession. Strict compliance with rules is supposedly required.

Preparation of Prisoner for Parole

Preparation for parole is perhaps as important as selection and supervision and yet little attention is paid to actually preparing the prison inmate, where he has no trade or profession, which will provide useful occupation when released. In New York and New Jersey, based upon a study of the individual's previous occupational history and any present aptitude he may show, some effort is made to train him for that employment for which he may seem best fitted, but in California, as in most jurisdictions, little attempt is made to train him for any particular line of employment and no real facilities have been developed for this purpose, though, in the case of California, this was recommended by the Board of Prison Directors and the Board of Prison Terms and Paroles in 1933, 1935 and 1936.

It would seem that where the penitentiary inmate has no trade or profession it might fairly be considered an obligation of the state to provide training facilities which would enable the inmate when released to earn an honest living and not release him until he was deemed qualified for some occupation. At present too many prisoners are released after months or years of confinement no better, if as well qualified, so far as employment is concerned, for decent citizenship, than at the time of admission to the institution. Naturally, in such cases the tendency is to drift back to old habits of living off the profit of law violation, the only deterrent being the fear of possible re-confinement. In its origin the basic theory of parole was "reformation", and a part of that theory included training of the prisoner so that he would be qualified for employment when released.

In effect, modern application of parole has largely done away with the theory that the paroled prisoner has "reformed",

but the necessity of equipping him to do the thing required when paroled - live within the law - creates an obligation to make it possible for him to conform if he so desires.

While doubtless some attention should be given to the savings affected by paroling the inmate of a penitentiary, as against keeping him in confinement, this ought not to be the determining factor in considering an application for parole, for after all, the problem is not primarily economic. Where from \$150.00 to \$250.00 is saved the state annually, by paroling a penitentiary inmate, it would seem reasonable to appropriate sufficient funds for parole supervision so that the case load for each supervising officer would not exceed 75 parolees.

Extent of Supervision by Parole Officers

In the report of the advisory Committee on Penal Institutions, Probation and Parole, of the Wickersham Commission on Law Enforcement, it is stated that one of the requirements of an effective system of parole supervision is the "maintenance of an adequate number of officers to insure that the number of parolees being supervised at any one time will not exceed seventy-five (75), and if much traveling is to be done, fifty (50)."

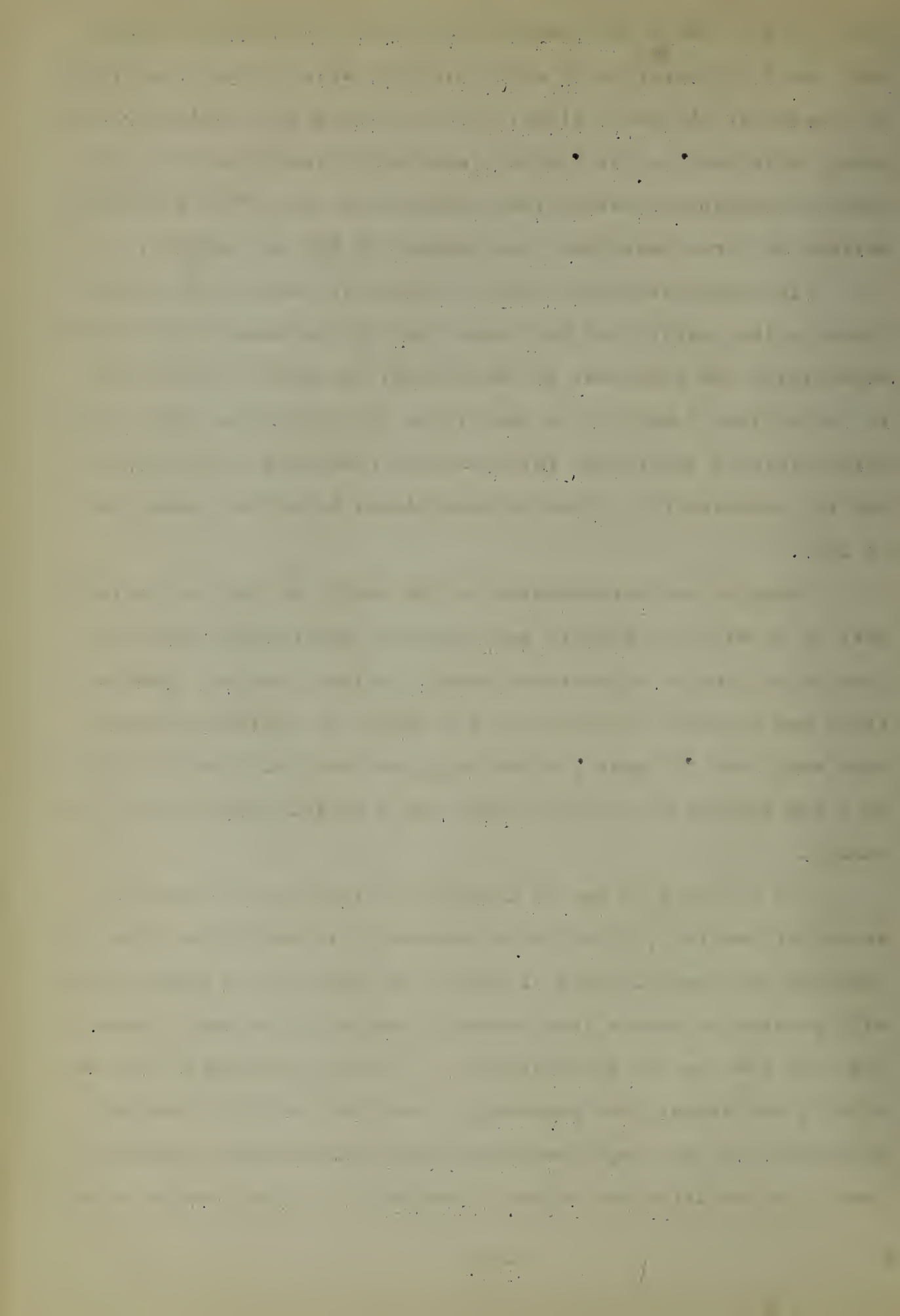
Six years after this report was made, California, September 1, 1936, was supervising 2,311 parolees from state institutions and an additional 150 from other states with 17 parole officers, an average of 144 plus per officer; Illinois, September 1, 1936, was supervising 6,000 parolees with 70 parole officers, an average of 85 per officer; Massachusetts, May 1, 1936, was supervising 2,373 parolees with 13 parole officers, an average of 182 plus; New York, September 21, 1936, was supervising 8,198 parolees with 85 parole officers, an average of 96 plus (though the state

code provides 75 as the maximum case load). The Federal Government had 3,329 parolees on July 30, 1935, with 28 parole officers, an average of 119 per officer, with the declared intention of reducing this load to 75. The most startling figures are for the State of Washington, with 2,247 parolees on Sept. 9th, 1936, supervised by three employees - an average of 748 per officer.

It should be noted that the number of parole officers are those on the payroll and not those that are actually in the field supervising the parolees. In California, 10 parole officers are in the office, 7 men are in the field. On June 30th, 1936, these seven officers supervised 1070 parolees remaining in California and 125 parolees from other jurisdictions, an average case load of 170.

Many of the deficiencies of the parole system as practiced, have to do with the quality and extent of supervision given to persons on parole. Supervision should include careful, conscientious and frequent follow-up in the nature of individual social case work, the ultimate purpose being not only to bring the parolee to a law abiding life, but to make him a useful member of the community.

In a report of Sam A. Lewisohn in 1930, to the then Governor of New York, Franklin D. Roosevelt, it was stated "The purpose and the justification of parole is that it is a system which will prevent prisoners from resuming lawless lives upon release. Its real test is its effectiveness in turning prisoners into law abiding individuals and preventing them from becoming habitual criminals. We have ample evidence that insufficiently supervised parole has no deterrent effect. Thus many of those leaving prison



continue in their criminal careers and become habitual criminals whom it is necessary to return to prison."

In those jurisdictions where releases from prison are made primarily because it is cheaper to retain a prisoner on parole than in prison, or because inadequate penal equipment requires vacancies for the incoming group, the aims and purposes of good parole are immediately perverted. More weight should be given to the ultimate cost to the community in reducing the number of arrests and further prosecutions and to the protection of society.

A full comparative statement of prison cost to parole cost is not in the reports for each jurisdiction, but some figures are available and will be found in the statistical section of this report (Table 2). California prison cost per inmate in 1934 was \$187.42; parole cost per individual on parole in 1934 was \$17.51. New York 1935 cost was \$550.00 for prison and \$55.87 for parole.

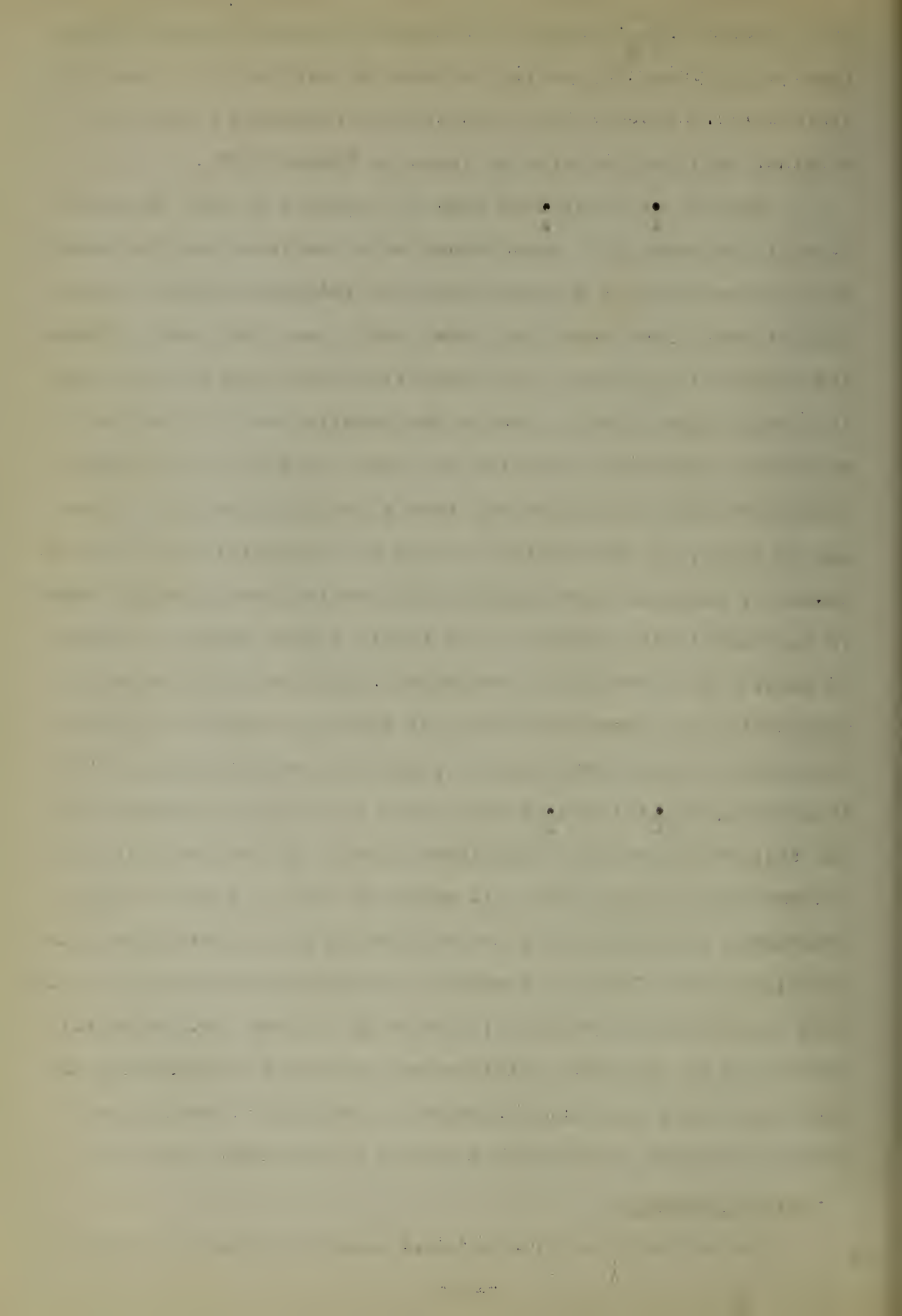
Large case loads necessarily lead to perfunctory supervision, sometimes degenerating into nothing more than the periodical receipt of written reports from the parolee in the form of answers to a printed questionnaire. The recent experience of the State of Washington is illuminating. There it was deemed advisable to check the correctness of the reports mailed each month by those on parole. This check conveyed the information that over fifty per cent of all the reports received were falsified. (From the 1935 Biennial Report of the Department of Business Control). False reports suggest the possibility that the activities of parolees cannot stand investigation and, therefore, their presence in a community is a potential danger, particularly after their period of parole is over. Several cities have attempted to meet

the problem of the presence of unwanted and unrecognized former inmates of prison by passing ordinances providing for their registration. A description of municipal ordinances relating to criminal registration will be found in "Exhibit C".

When it is considered that the parolee in most jurisdictions is released by a Board whose sole qualification for membership on the Board is supposed power to influence votes, the exercise of such power requiring some reward, and that when released his conduct is supposed to be supervised and helpful advice and assistance given him by persons who usually have no training or experience qualifying them for the job, and when it is further considered that though now and then a qualified parole officer may be found, he has assigned to him for supervision so large a number of parolees that anything like satisfactory accomplishment of his task is impossible, it is little wonder that the theory of parole is so frequently condemned. While much of the public condemnation is unwarranted and not based on facts in so far as the effect of administration of parole is concerned with crime in general, still there is much cause for complaint because of the failure to properly administer parole. Before resorting to condemnation of the theory, it would be well to test it under reasonable conditions by first correcting gross inefficiency in administration. The most forward jurisdictions attempting to deal with the difficult problem of parole in a humane and scientific manner and to eliminate politics and notorious inefficiency are New York, New Jersey and the Federal Government. Results and methods in those jurisdictions should be carefully observed.

Parole Hearings

In each of the jurisdictions considered in this report



the final meeting at which the parole board determines the eligibility of a person for parole is an executive one. Prior to this there is a gathering of facts in the case. In California a report on each prisoner is furnished by the Probation Department, the captain of the yard, the parole officer of the institution, and opinions are requested from the judge, district attorney, sheriff, chief of police, relatives, defending attorney, and complaining witness. This material is assembled prior to the private hearing at which the prisoner is heard on his own behalf.

All jurisdictions provide for a meeting of the board at which the prisoner may be heard. In Illinois, the prisoner appears before a sub-committee after pleas have been heard from relatives, friends and other interested persons. Comment of George T. Scully, former President of the Central States Parole Conference, was: "The prisoner was brought in and he was given some consideration. However, the tension and the attitude of the prisoner, I would say, would not be to his advantage in the presence of so many people and I heard a great number of people there passing opinions between themselves."

Winthrop D. Lane, Director Division of Parole of New Jersey, states: "A session of the parole board in a middle western state prison was recently attended by the writer; when an inmate entered the room he was faced by twenty-four persons, some of these persons were wives and daughters of members of the board, there for a thrill, and others were newspaper reporters. Members of the board made jokes at the expense of the inmate. One prisoner was told that he was "just about the most contemptible cur that walks the earth;" another heard the words shouted at him "what you need is a horsewhipping." Time and again offenders sought to make

personal communication to the members of the board and were stopped with the remark, "you cannot say that in the presence of these women." The next day local newspapers published tid bits from the session as they wished. Many prisoners must have received strange impressions of the interest in their welfare by members of the parole board."

In Massachusetts, only those authorized by statute or invited by the board are present at the hearing. Mr. Richard Olney, Chairman of the Massachusetts Board of Parole, is of the following opinion: "It is my opinion that this arrangement (executive session) is far more preferable than open sessions for many reasons. Inmates eligible for parole are interviewed each month at the various institutions by the board. The board has offices at the state house and the chairman and other members of the board are available daily for interviews by relatives, friends or others interested in them. Many hundreds of informal interviews are granted monthly in this manner, and every Wednesday afternoon the board holds an executive meeting to dispose of cases that come before it for parole revocation, consideration, reconsideration of previous vote, etc."

In New York, only the three members of the board of parole, representatives of the institution, and the hearing stenographer are present. Mr. Frederick A. Moran, Executive Director of the New York Division of Parole, is of the following opinion: "The board of parole in New York is thoroughly convinced of the desirability of private hearings. It would vigorously protest any efforts to change our procedure in this respect. There has been no major criticism of the procedure in New York State. Before the

present Division of Parole began to function, usually there were from twelve to fifteen representatives of private social agencies attending these hearings and the hearings were neither formal nor dignified. - I assume that in a state where there are open hearings, parole board hearings assume the air of a Roman Holiday, with lawyers, wives of the inmates and their children present at the hearings."

Federal Parole Board hearings are executive. Neither the names of those applying for parole nor those opposing the parole are published, except that, on request, the names of those endorsing or sponsoring the parole are made public. Commenting on executive versus public hearings, Sanford Bates, former Director of Federal Prisons, states: "A parole board which has all the facts of the case at its disposal can act equally well in the public interest without having the case and all the ramifications rehearsed in the newspapers, but a case in which the arrest and commitment of a notorious prisoner has stirred up considerable public interest, it seems to me to be a mistake not to take the newspapers and public into consideration."

The question of the extent to which parole hearings should be made public is a difficult one. In a state that does not trust the integrity of the members of the board of parole, open hearings might be desirable; however, the matters dealt with are of such importance that no state should have a board of parole in whom the community does not have confidence, and certainly every precaution should be taken to avoid what has often, in the case of public hearings, amounted to a retrial followed by such publicity as increases the difficulty a parolee has to re-establish himself in society.

There are many factors in the administration of criminal law that should be considered in any attempt to ascertain the comparable effect of parole on crime in any jurisdiction, two of these factors are "Suspended Sentence" and "Recidivism."

Suspended Sentence

By statutory provisions courts generally are authorized to suspend or withhold the passing of a sentence of first felony offenders in certain cases, and after a plea or verdict of guilty, to place defendant in charge of a probation officer.

Suspending or withholding of sentence temporarily is always permissible for a recognized reason, such as to allow time for an inquiry into the history of the defendant so that the court could be informed as to the nature of sentence that should be imposed, to await the result of another trial of the defendant, or to permit an appeal.

Conflict in the decisions of courts comes when the question arises as to the power of the courts to indefinitely suspend sentence or execution thereof. Numerous decisions, notably those of Massachusetts and formerly those of New York, hold that the extent of the suspension is within the discretion of the courts; that courts under common law have inherent power to suspend sentence during good behavior of the defendant. In Massachusetts, with the consent of the defendant, a case involving a first felony offender may be placed "on file" before or after sentence, remaining on the records of the court subject at any time to be called up and sentence imposed, or other disposition made.

Reasons for denying a court power to indefinitely suspend sentence or indefinitely suspend execution of sentence are that it allows the judicial department to exercise power of commuting

or pardoning which belongs to the executive branch of government; that when a defendant is found guilty, the duty of the court, in the absence of statutory authority under probation laws, is to impose sentence and order its execution; and that if the courts are permitted to suspend indefinitely the imposition of sentence, the result or effect is the same as a pardon by the executive.

In a well reasoned case the United States Supreme Court, while recognizing the numerous cases holding a contrary opinion, held in *Ex Parte U. S.*, 242 U. S. 27 decided December 1916, that courts have no inherent power under common law to indefinitely suspend sentence. Since that decision the New York Courts have held that it doubts if inherent power to suspend sentence indefinitely exists in view of the United States decision, and New York courts now can exercise that power only as part of the statutory provision by placing the defendant in the care of the probation department. (People versus *Ex Rel Boemm* 176 New York Appellate Division 401).

California courts derive their power to suspend both the imposition of sentence and the execution of sentence from section 1203 of the Penal Code. Section 1203-1 reads in part, -"The court judge or justice thereof, in the order granting probation, may suspend the imposing or the execution of sentence and may direct that such suspension may continue for such period of time not exceeding the maximum possible term of such sentence --- upon such terms and conditions as it shall determine." The statute seems definite that suspension shall only take place as part of the probation system and does not authorize complete relief from custody during period of supervision.

The decisions of California courts, however, have had the

effect of reading into the statute the right of the court to suspend sentence without referring the defendant to the custody of the probation officer.

In the case of - In Re Giannini 18 California Appellate 166, decided February 1912, the petitioner was found guilty of a misdemeanor, sentenced to 90 days confinement and sentence suspended. Petitioner was not placed in custody of probation officer. About five months later he was taken into custody under a commitment issued by a justice of the peace. Upon the application for a writ the petitioner contended that under the provisions of section 1203 of the Penal Code, the court had no power to place a convicted offender upon probation except in instances where he is placed in custody of a probation officer and the order of the court should so specify.

The appellate court held; "We think a proper construction of the statute is that absolute power to suspend sentence is given by this section --- such order of suspension is not invalidated because the court omits a duty imposed by law upon it, namely, to place the party in charge of a probation officer."

This decision was approved by the Supreme Court of California in the case of - In Re Herron 217 California 400, decided in February 1933, where the court said: "Summing up the main point involved, that is, the legal effect of the order of July 20, 1931, suspending sentence, it is our opinion that such order was equivalent of an order granting probation for the maximum period of punishment, that is, in this case, six months. It is true that under the provisions of Section 1203-1 of the Penal Code, the trial court should have formally directed that the respondent be placed under the control and supervision of the probation officer and that this

was not done in this case, but it is now well settled law that failure so to provide in no way invalidates the order suspending sentence. It is equally well settled that such an order is the equivalent of a formal order placing the defendant on probation."

In the case *Ex Parte Collins*, 8 California Appellate 367, the Court said, "unless otherwise provided by law, the court has inherent power to stay execution of sentence in a criminal case, and such power, being exercised for the benefit of the defendant will be presumed to have been with his consent."

In several of the California decisions the language used is so wide as to leave the inference that no other course is open to the trial court other than to place the defendant in custody of the probation officer when suspending sentence. In the case of *People vs Mendoza*, 178 California 509, the court said, "If the court desires to suspend the execution of sentence, the only way in which it can legally do so is by proceeding under section 1203 of the Penal Code and that section expressly provides that in the event of such suspension, the court shall place such person on probation and under the charge and supervision of the probation officer of said court during such suspension."

In *People vs Harvey*, 137 California Appellate 22, the court said, "There was no legal suspension of sentence. The court rendered judgment of conviction and purported to suspend sentence. The suspension of sentence was clearly not made under the law providing for probation. It could not legally have been made under any other law. It was therefore a nullity."

The California trial courts are guided by the decision in the case of - *In Re Herron supra*, with the result that a large

number of cases in which a conviction is had results in a suspended sentence, never referred to the probation department, and the convicted criminal walks out of the court room a free man, without surveillance, until such time as he again runs afoul of the law. (See Table 11).

This procedure is not possible in cases coming under the Federal jurisdiction since the case of *Ex Parte U. S.* 242 U. S. 27, qualified by the Probation Statute of 1925, providing that probation goes with suspension of sentence and that sentence may be suspended, if the ends of justice, the best interests of the public as well as the interests of the defendant are subserved thereby. United States Public Laws, Chapter 531, (1925).

The trial court in California is prohibited from suspending sentence if the defendant has been previously convicted of a felony or is convicted of robbery, burglary, burglary with explosives, rape with force or violence, arson, murder, assault with intent to commit murder, attempt to commit murder, grand theft, feloniously receiving stolen goods, felonious assault with a deadly weapon, kidnapping, mayhem, escape from prison, conspiracy to commit any of these offenses, or who at the perpetration of the crime, or his arrest for the crime, was armed with a deadly weapon, or to one who committed great bodily injury or torture at the time of the commission of the offense, or to a public official or peace officer who in the course of his duties accepted or gave, offered to accept or give a bribe, or to one who embezzled public money or was guilty of extortion.

Dismissal of a charge of having committed a prior offense, or reduction of the charge from a felony to a misdemeanor in exchange for a plea of guilty mitigates the effect of this section.

(See Tables 18 and 11). Effect of the power to suspend sentence or execution thereof as exercised in San Francisco is indicated by the analysis of 6,932 felony cases resulting in 4,790 convictions. (See Table 11). Of these convictions 443 resulted in suspended sentence without any confinement or supervision; 663 probation without confinement; 298 order of restitution or fine only; and 463 jail sentence as part of probation.

In this connection it should be noted that in all cases of conviction for felony a penitentiary sentence may be imposed and that out of 4,790 felony convictions in San Francisco there were 961 penitentiary commitments.

It is suggested that in every Superior Court conviction for a major offense where sentence or execution thereof is suspended, the offender be placed under supervision of the probation department.

Courts should also inquire more carefully into change of plea to lesser offense in exchange for a plea of guilty and into any motion to dismiss a charge of commission of prior offense.

Recidivism

Recidivism is a technical term which is defined as "falling back or relapse into prior criminal habits, especially after punishment."

Courts originally attempted to control it by imposing a severe criminal sentence on offenders, predicated their action on the basis of the criminal act; when it was found that inflicting punishment for past offenses was not successful in controlling recurrence of crime, attempts were made by the legislature to control it through probation, indefinite sentence, and parole.

Courts must take some responsibility when they exercise direct reformatory principles by suspending sentence, allowing change of plea from a major felony charge to one of lesser degree, ignoring a prior conviction or the effect of probation.

Reliance upon the visual impression created by the prisoner, personal reaction to the committed offense, failure to use the assistance of qualified experts, particularly psychiatrists, hinders the reformatory efforts of the courts.

Harold M. Metcalf in 26 Journal of Criminal Law and Criminology (1936) at page 367 suggests that jurisdiction over the criminal offender continue as long as he is potentially dangerous; that before this can be determined the first step must be to distinguish between those who are physically and mentally normal and those who come under the abnormal or subnormal classification; that sentence should not be imposed immediately after conviction, but only after detention in an institution where the classification can be made as to the amount of protection society should have from each offender and how this could best be provided.

The intent of the indeterminate sentence law and the parole law is to achieve a somewhat similar result. In actual practice the enforcement of these laws is mainly left to political appointees, without qualification for the job, who do not make use of available scientific knowledge to aid them.

Courts cannot be held responsible for the return to crime of those failing to reform under the practices of the prison and parole authorities.

In examining a compilation of crime figures relating to record of previous offenses of persons charged with or committed

for crime, it must be borne in mind that data is not always complete due to variations in practice of various police departments. The best known clearing-house for information as to past offenders is the Federal Bureau of Identification at Washington, whose records of close to 6,000,000 cases are made up from Federal records and such others as are furnished by the police of other jurisdictions. It is to be expected that the percentage of known recidivists will tend to increase as identification records become more complete, and greater use of existing records are made by local police and institutional officers.

Among those committed to prisons and reformatories for the years 1930-1934, those who had a previous criminal record averaged 37% for California, 44% for Federal, 52% for Massachusetts, 64% for New York and 60% for Illinois. (See Table 7). In other words, between 37% and 64% of Persons are not deterred by their past penal experience from committing new offenses. This may be, in part, the result of particular forms of treatment while in confinement, shortness of sentence or quick parole; or it may be due to some inherent incurable anti-social characteristic of the offender.

A study by Sheldon Glueck and Eleanor Glueck of 510 men who left the Massachusetts Reformatory, recognized as one of the best institutions of its kind, showed that they had not benefited in any marked degree from the corrective and restorative influences the correctional institution was supposed to have had. Of the 510 men almost 80% of them, five to fifteen years later, were not reformed but went on committing offenses after their discharge, though the offenses committed were frequently of a lesser degree.

A comparative criminal conduct evaluation of cases studied

in the Glueck report shows:

<u>Evaluation</u>	<u>Pre-Reformatory Record $\frac{\#}{\#}$ (Per cent.)</u>	<u>Parole Conduct $\frac{\#\#}{\#\#}$ (Per cent.)</u>	<u>Post Parole Conduct $\frac{\#\#\#}{\#\#\#}$</u>
Success	6.6	30.01	21.1
Partial failure	5.7	13.05	13.6
Total failure	37.7	56.1	62.1
# 510 Cases	$\frac{\#\#}{\#}$ 413 Cases	- -	$\frac{\#\#\#}{\#\#\#}$ 422 Cases

It should be noted that the percentage of total failures during the supervised parole period is measurably less than either the pre-reformatory or post-parole period. During the post-parole period 1,014 officially known crimes were committed by this group. The evaluation as success, partial success and total failure is based on the number and type of offense committed.

A study by Luman W. Sampson of the after careers of 224 paroled Wisconsin prisoners appeared in 25 Journal of Criminal Law and Criminology, page 607 (1935), covering a period of five years following their discharge from parole, shows:

	<u>Success</u>	<u>Partial Success</u>	<u>Failure</u>	<u>Total</u>
Former inmates of prison	127	87	61	273
Former inmates of reformatory	83	34	32	149
<u>P e r c e n t a g e</u>				
Former inmates of prison	35.7	22.8	21.4	
Former inmates of reformatory	46.1	31.6	22.1	

This study was made solely from the prison records.

Mr. Sanford Bates, in an article on "Have our Prisons Failed" in 23 Journal of Criminal Law and Criminology page 562 (1933), states:

"Even with provisions for opportunities for improvement

with steady employment at productive labor, with a force of tact-ful and intelligent prison guards, with suitable surroundings, nourishing food, elevating literature and stimulating recreation, no permanent reformation can be expected until in some mysterious way the will to reform can be instilled into the individual personality."

A comment in the Wickersham report of 1930 is - "We conclude that the present prison system is antiquated and inefficient. It does not reform the criminal. It fails to protect society."

Figures quoted in the July 1936 report of the California Board of Prison Terms and Paroles show that 23,466 paroles were granted since the inception of the parole law with 3,486 violations, a failure record of 14.90%. These figures are not to be taken as representing all violations; they are the ones that came to the attention of the parole officers during the parole period. There is no doubt, however, that the possibility of being sent back to prison during the period of supervision is a deterring factor.

Perhaps extending the period during which the paroled prisoner remains under actual supervision from maximum term of sentence to maximum term provided for the offense, would have a beneficial effect on recidivism. No gain in the control of recidivism can be expected without individualized treatment of the prisoner, both inside and outside of the prison wall; this must be based on the fullest history obtainable, scientifically interpreted, followed by close and intelligent supervision by a competent parole officer, the development of good family relationships, work habits, leisure activities, home surroundings and the economic independence of the parolee.

It has been claimed that more strict enforcement of the

California Habitual Criminal Act (Penal Code Section 644) would have the effect of reducing the percentage of recidivists because it would confine for a long period or permanently many of those individuals who repeatedly violate the criminal code and would also have a beneficial deterrent effect.

The present California Act provides that any person convicted in this state of any felony who shall have been twice previously convicted upon charges separately brought and tried, and who shall have served separate terms therefor in any state or Federal prison for robbery, burglary, burglary with explosives, rape with force or violence, arson, murder, assault with intent to commit murder, grand theft, bribery of a public official, perjury, subornation of perjury, train wrecking, feloniously receiving stolen goods, felonious assault with a deadly weapon, extortion, kidnapping, mayhem, escape from a state prison, forgery, conspiracy to commit any of the above felonies, shall be adjudged a habitual criminal and shall be punished by imprisonment for life and shall not be eligible for parole until he shall have served a minimum of at least twelve years; if three times so previously convicted, he shall be punished by imprisonment for life and shall not be eligible at any time for parole. Prior to 1935 the act provided that proof of prior conviction only was necessary; but in 1935 the legislature, by amendment, provided that separate terms must have been served for each conviction, and, by amendment, further provided that in "exceptional cases" at any time not later than sixty days after commencement of imprisonment, the court may, in its discretion, provide that the defendant is not a habitual criminal, and in such case the defendant shall not be subject to the provisions of this section. Comment on the 1935 amendment is

hardly necessary.

Just what effect carrying out the intention of the original Habitual Criminal Act by prosecuting officers and courts would have upon recidivism is problematical. A somewhat similar English Act (Habitual Criminal Act of 1908) is included in the Prevention of Crime Act 1908, (Section 10, Sub-section 2) and was a part of legislation designed to prevent crime. In Rex versus Averman, 18 Criminal Appeal Cases 31, the Lord Chief Justice said that the allegation of being a habitual criminal was not an offense charge but a "status."

It would seem reasonable to conclude that no habitual criminal act is designed to provide additional punishment for the offender but rather to protect society from harmful conduct of those who, often possibly through no fault of their own, have demonstrated they are not safe to be at large. If the Act could be construed as intended for crime prevention, it would seem that ultimately it would have some effect upon the problem of recidivism.

CONCLUSIONS

Careful consideration of reports of penal institutions; parole boards; statistics; and judicial decisions in jurisdictions included in this survey leads to the following conclusions:

1. The only method of release from a penal institution should be by parole; this includes parole supervision for period of time allowance for good conduct in all commuted sentence cases.
2. Power to parole should be in the hands of a central state agency independent of the penal institutions over which it has parole jurisdiction, but closely correlated with the governing authorities of such institutions.
3. Sentence should be indefinite with a maximum but without a minimum; that before term of sentence is fixed greater effort should be made to determine whether the offense committed was due to character or circumstance.
4. After one parole and subsequent conviction for commission of a felony no further parole should be granted.
5. After third conviction of a felony or imposition of life penalty confinement should be for life without possibility of parole.
6. The court should retain custody of convicted offender until report of probation officer has been prepared and copy of this report should be filed in institution to which offender is committed.

7. There should be immediate development of better training facilities in penal institutions in order to equip the prisoner for normal community life and subsequent rehabilitation.
8. Selection for parole should include a consideration of mental and physical qualifications, based upon scientific examination; and it should be shown that during confinement some real effort had been made to qualify the offender for good citizenship and his repose thereto.
9. Hearings at which offenders are considered for parole should be executive, not open to the public.
10. The period of parole supervision should be for the remaining period of maximum term provided for the offense and in no case less than two years.
11. Supervision while on parole should be exercised by qualified social case-workers with professional standards, each supervisor having not more than seventy persons under his supervision.
12. The effect of parole and indefinite sentence on crime, while not definitely ascertainable, does not exist to the extent claimed by critics of the systems.
13. There is much ground for criticism, not of theory of parole or indefinite sentence, but of administration of laws relating thereto.

14. In most jurisdictions throughout the United States the administration of parole laws and laws related thereto are entrusted to persons who possess little or no qualification for the job.

Elimination of all political consideration in the appointment of administrators; recognition by the appointing authority of the fact that peculiar skill and scientific training is essential; appointment only of persons believed to possess this skill and training, will remove the greatest defects in administration and result in demonstrating that parole laws and most of the laws related thereto are necessary to satisfactory administration of criminal justice and most beneficial to the public at large.

The need is an aroused public conscience which will insist that continued political domination of administration of a system of laws so vitally connected with the protection of society and destiny of thousands of unfortunate individuals shall cease.

EXHIBIT A

CALIFORNIA COUNTY PAROLE SYSTEM

The California Legislature, by a general law passed in 1909 and amended in 1913, created a parole system for each of the counties in California.

The law provides that in each county the parole commissioners shall be the sheriff and the district attorney of each county and the chief of police of the city that is the county seat, or their designated representatives; that they meet at regularly called meetings at which two-thirds must be present; that they make rules and regulations in writing by which misdemeanor prisoners in any jail in the county may be permitted to leave the jail on parole prior to the expiration of the term of sentence imposed by the court.

While on parole the prisoner remains in the legal custody of the parole commissioners subject to be returned to the jail to serve the balance of the term remaining on the sentence at the time of parole. A prisoner on parole is forbidden to leave the county without permission of the parole commissioners.

There is no uniform application by the counties of this general law; it varies from the well established parole system of Los Angeles and San Francisco counties to a non-existent parole board in four of the less populated counties. No information as to the existence of a parole system is available for three small northern counties.

A summary of statistical data follows:

No response to communications.....	3
One communication not found	1
Counties with printed rules and regulations	25
Counties with no printed rules and regulations	20
Counties with regular parole meetings	10
Counties with no indication of regular parole meetings	17
Counties with parole meetings on call	31
Counties where parolees are restricted to county	14
Counties with no restrictions indicated	38
Counties where parolees are required to leave county.....	2
Counties requiring regular report from parolees	18
Counties not requiring regular reports	34

Prisoners serving a sentence of thirty days or less are generally not considered for parole. In some counties this period is extended to sixty days. In those counties where no parole board exists a prisoner must serve his sentence without parole. Generally a prisoner must serve one-half of his sentence before becoming eligible for parole, but exceptions are possible in unusual circumstances.

In those counties with printed rules and regulations it is generally provided that the parolee report in writing once a month;

keep employed; avoid the use of drugs and liquor; avoid breaking any law; remain within the county unless given permission of parole officer to leave. Los Angeles county requires a personal visit of the parolee once a week to the parole office; forbids the possession of intoxicants or visit to the county jail or county road camp; forbids parolee engaging in any important business or social engagements without permission.

Generally, the term of parole is for the balance of maximum sentence remaining and penalty for violation of parole is for balance of term remaining after violation.

One county demands that parolee remains on parole for six months; all counties granting parole require faithful observance of rules as proof of good conduct.

A curious growth on the parole system in some counties is where the defendant is sentenced by the judge to jail for week-ends and permitted to be at large during the remainder of the original sentence. It is not parole, since the discretion to grant or to refuse to grant paroles is in the parole commissioners; it is more than doubtful if authority of the court extends to this type of sentence.

A statistical survey of parole in the county of San Francisco jail for one year period from August 1, 1934 to July 31, 1935:

Total number of paroles granted	111
Total number of paroles denied	95
Total number with prior granted parole	69
Total number with prior denied parole	84
Total number with felony charge granted parole	15
Total number with felony charge and prior granted parole..	8

Average commitment period of felony prisoners granted parole:
Seven Months.

Average period of time served by felony prisoners granted parole:
Four Months.

Average period of time saved by parolees:
One and One-Half Months.

Total number received in County Jail - period August 1, 1934 to June 30, 1935:

Men	3,790
Women	318
TOTAL	4,108

It is suggested that uniform rules and regulations be adopted and the following is proposed:

PROPOSED UNIFORM RULES AND REGULATIONS FOR CALIFORNIA

COUNTY PAROLE BOARDS.

1. Regular meetings of the Board of Parole Commissioners of _____

County shall be held at the office of the board each Monday of each week at _____ A. M. No meetings of the said board shall be held unless two members of the board are present, or written notice of the time and purpose of said meeting shall have been served upon each member of the board at least twenty-four (24) hours in advance of the meeting. A meeting may be called at any time by any member of the board upon giving written notice to fellow members.

2. All applications for parole shall be in writing, signed by the applicant, setting forth the true name of the applicant and any aliases he or she may have, the crime or crimes for which he or she has been sentenced, the time when sentence was pronounced and by what court, and the time when the sentence will expire. Further, it shall be the duty of the applicant to obtain a written and signed statement from the judge of the court who pronounced sentence, favoring action by the board of paroles.
3. Applications for parole shall be placed on a calendar in the order of the date on which the completed papers are filed with the board, and such applications shall be heard in such order, and in no case shall an application be heard out of order, except by consent of two members of the board.- See 2, 3, and 4.
4. The officers of the board shall consist of a president and secretary to be elected by the board from its members, to hold office at the pleasure of the board.
5. No application for parole shall be granted until the prisoner shall have served one-half his sentence, unless for some extraordinary reason parole be granted by unanimous vote of the three members of the board.
6. Sentence of less than thirty (30) days, no parole.
6. No prisoner, whose record shall not have been good while confined in the county jail, prior to application for parole, shall be eligible for parole. Nor shall any prisoner be released on parole until satisfactory evidence shall have been furnished that employment will be given such prisoner by some responsible and reputable person, or that he will engage in some respectable business himself. In no case shall any prisoner be released on parole unless there is in the judgment of the board reasonable grounds to believe that he will, if paroled, live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society nor perverse of the ends of justice.
7. No attorney shall be heard in behalf of any prisoner, nor shall an oral argument be allowed.
8. All meetings of the board for the purpose of considering applications for parole shall be open only to members of the board, except in such instances as a majority of the board may otherwise provide.
9. A written record shall be kept in the minutes of every action

of the board relating to granting a parole.

0. When an application for parole shall be denied, the applicant shall not become eligible to parole until expiration of three months from the date of such denial, except that a rehearing of such application may be had within such three months, by unanimous consent of the board. However, if the denial of said parole is with prejudice, then the applicant shall not be allowed to file another application, except under extraordinary circumstances.
 1. Every paroled prisoner shall report at the office of the board of paroles once a week, either in person, or by mail, as instructed, and at such other times as may be required; always keeping the parole commissioners informed of his whereabouts.
 12. No paroled prisoner shall leave the county of _____ during the period of such parole without the permission of the parole commissioners in writing.
 13. Every paroled prisoner must keep regularly employed, and in the event of change of employment, said prisoner shall promptly notify the board of commissioners.
 14. Every paroled prisoner shall wholly abstain from the use or possession of intoxicants or narcotics in any form; must avoid bad associations, obey all laws faithfully and conduct himself in all respects as a good citizen.
 15. Every paroled prisoner shall be liable to be retaken and again confined within the county jail for any violation of the conditions of his or her parole and then to serve out the remainder of the term for which he was originally committed to the county jail. In addition he shall forfeit all time credits that may have been given under any credit system in vogue.
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EXHIBIT B

DECLARATION OF PRINCIPLES OF THE AMERICAN PAROLE ASSOCIATION - AT THE MEETING OF THE AMERICAN PAROLE ASSOCIATION WHICH WAS HELD AT ATLANTIC CITY, NEW JERSEY - ON OCTOBER 9, 1933.

All offenders leaving correctional and penal institutions should be released by the method of parole. There should be no other form of release, except, of course, for those who are pardoned, recalled by courts or who leave for some other exceptional or unforeseen circumstance. The reason for this is that a period of readjustment and supervision is desirable, both for the offender and society; the offender gains by the assistance rendered him and society gains both by such assistance and by its power to return him to the institution if he violates its mandates. It makes no difference, therefore, whether a person has a long criminal record or a short one, whether he is an experienced law-breaker or an inexperienced one, whether his most recent conviction was for a serious or a light crime, whether he has an unstable or a stable personality - these, together with his record in the institution, are not important in answering the question: Shall he be held under supervision after he leaves the institution? If he is to leave the institution - and we are not here considering the matter of permanent custodial care for some types of offenders - the conditions and policy of parole should be applied to him. This is true both of those receiving indeterminate and definite, or fixed sentences; advantage should be taken of every possibility to release the latter before the final date of their sentence (as by the operation of "good time" rules) in order that there may be some period of supervision and control under conditions of community life.

4. Selection of prisoners for parole, therefore, becomes a matter of choosing the time at which release of each offender is most advantageous or beneficial. It is not a matter of determining who shall be released by the method of parole and who shall not.
5. It is unfair to the prisoner if, though otherwise eligible for parole, he is kept incarcerated merely because no person or agency can be found to whom he may be paroled. Where the local parole boards cannot undertake this duty, the establishment of agencies to which prisoners who are without friends and relatives may be paroled should be encouraged.
6. Preparation for parole should begin the moment the offender reaches the institution. It should be a conscious and deliberate part of the policy of the institution to fit the offender for parole. This not only means preparing him as far as possible for useful and industrious life outside, but it means the desirability of specific instruction in regard to his obligations and opportunities while on parole.

7. Too much importance cannot be attached to the re-educative and rehabilitative efforts of the institution. Success on parole will depend to a large degree, upon what has happened to the offender while behind the walls. It is a prerequisite to satisfactory parole work, therefore, that the institution shall have done its utmost to bring about the necessary changes in health and attitude of the offender. This means a careful study of the needs and personalities of individual offenders and the use of all available resources in such fields as medicine, education, religion, psychology, and psychiatry, recreation, vocational training, and social work, to enable the offender to rise to his own potential capabilities. The institutional life of the inmate should be carefully planned, a record of his progress kept, and changes should be made as often as necessary. Society gains by the incarceration of offenders in so far as there has been improvements in their habits, attitudes and behaviors.
8. Preparation for parole includes a study of the offender's family situation and relationships, and the extension of such assistance or social service to his family as may be required while he is still incarcerated. In this effort, the cooperation of appropriate community agencies should be obtained - and that is an obligation upon either the institution or the parole authority that will be ultimately responsible for the supervision of the offender.
9. Consideration for release upon parole should come up automatically, and at intervals not too infrequent in the course of every inmate's residence. It should be as essential a part of the necessary routine in the handling of every inmate, as questions relating to a change in his work assignments, attendance at the institution school, etc. The necessity for a formal application for parole from the prisoner himself, before he will be considered for parole, should not be allowed to exist.
10. In choosing the time most suitable for his release upon parole, consideration should be given to the following questions which are major: Has the institution accomplished all that it can for him; is the offender's state of mind and attitude toward his own difficulties and problems such that further residence will be harmful or beneficial; does a suitable environment await him on the outside; can the beneficial effect already accomplished be retained if he is held longer to allow a more suitable environment to be developed.
13. The supervising agency or officer should regard the family of the offender as its charge or client, as well as the offender himself. Supervision of offenders on parole is a branch of social case work and in general should use the same methods and be bound by the same professional standards as the better class of family welfare societies.
14. The parole officer, both man and woman, should be an active field agent. This means that he should not depend upon reports of what his parolees are doing, but should visit the offender in his own home and should know what are the offender's habits,

cont'd)

14. who his associates are, under what conditions he is working, how he spends his leisure time - and all the things necessary to constructive and intelligent planning for the offender's welfare. The officer should be understanding and sympathetic friend of the offender, ready to initiate any measure on his behalf that may be necessary. His supervision should be unobtrusive and designed to encourage confidence and self-respect in the offender. He should avoid any unduly suspicions and persecutory attitude. At the same time he must be ready to discipline an offender even to the point of returning him to the institution for further care, if necessary.
15. The primary object of supervision is the restoration of the offender to society as a participating and law-abiding member, and as personally happy and socially useful as possible. Competent supervision involves two main aspects: (1) the personal guidance and influence over the offender by the officer; and (2) the use or manipulation of social agencies and community forces in the interest of the offender's rehabilitation and the welfare of his family. This requires careful planning and the offender should take part in such planning. The parole officer should be active in helping the offender to find work, in straightening out difficulties within his family and other relationships, in encouraging him in the wholesome use of his leisure time and other respects. He and his superiors should be thoroughly familiar with the communities in which the offenders live. They should be acquainted with, and when possible should draw upon the services and resources of private and public organizations capable of being helpful to the offender. These include health agencies and clinics, character-building organizations, educational institutions, social service agencies, organizations providing means for the spending of leisure time, various types of clubs, religious organizations and others. The services of local, and state and federal governmental organizations and institutions are often useful. The function of the parole officer or the supervising authority, in this connection, is to enlist and coordinate the services of these agencies, and such agencies ought at all times to be willing to cooperate.
16. Personnel of a high order is necessary to carry out these tasks. A parole officer should be skilled in social case work, including a knowledge of ways of influencing human behavior and personality giving him a ready facility in the use of such knowledge. He should have a good education, good habits and qualities of firmness. His superiors should be persons professionally trained in social case work and of executive ability. The staff should be large enough to insure that competent supervision is done. Throughout the organization there should be a professional spirit similar to that found among the teachers, and politics should play no part in the selection of personnel.
17. The statutes should not make it mandatory on the parole authorities to return the offenders to the institution in the case of any and all parole violations, regardless of seriousness. This matter should be left as largely as practicable to the discretion of those charged with the supervision of offenders.

EXHIBIT B (Cont'd)

18. No matter how good the work of both institution and supervising agency, the moment when an offender leaves a correctional institution is an extremely important one and the shock induced by the sudden change in his situation may be serious. For that reason, we recommend as worthy of study those experiments now being conducted in some countries whereby the release from the institution is gradual, the offender toward the close of his stay leaving the institution by day and returning at night, or leaving for a longer period of time and then returning for a period. This is possibly of greatest use in the cases of offenders who have already been in the institution for a considerable time.
-

EXHIBIT C

CRIMINAL REGISTRATION

Ordinances providing for registration of persons who have at some previous time been convicted of a felony have been enacted in Miami, Florida, (1933); Birmingham, Alabama, (1935); Los Angeles, California, County and City, (1933).

The Miami ordinance provides that such persons remaining in the city for more than 24 hours shall register at police headquarters, making a sworn statement giving information concerning the nature of the offense and place of conviction and address while residing in the city of Miami, and shall give notice to the police department of any change of address while residing in Miami.

The maximum penalty for violation is sixty days street labor and \$500.00 fine, also provision is made for privacy of registration book. The law exempts from registration persons residing in the city of Miami at the time of the passage of the act who had not been convicted of a felony within three years previous to enactment of ordinance.

The Birmingham act is similar except that it requires registration shall be with the superintendent of the bureau of identification and provides that it shall not apply to those residents of the city who have not been convicted of a felony within five years.

The maximum penalty for violation of the Birmingham ordinance is imprisonment or labor on the streets of the city for six months and a fine of \$100.00.

The Los Angeles City and County ordinances are similar except that residents in the County outside of Los Angeles City for more than 48 hours are required to report to the Sheriff; if a resident of the city for more than 48 hours, he shall register with the Chief of Police.

The Los Angeles ordinances differ chiefly from the Miami and Birmingham ordinances in that persons who have been convicted of a felony at any time within ten years prior to coming within the jurisdiction must register. The ordinances further provide that any persons residing in the city or county at the time of the passage of the ordinance and who have been convicted of a felony within the previous ten years, must register within 48 hours, and that all persons registered shall be photographed and finger-printed. There is a further provision that the ordinance shall not apply to those on parole from California institutions or to those whose parole has expired. The maximum penalty for violation is imprisonment for six months and \$500.00 fine; also the failure to comply makes each separate day of such failure a separate offense.

The registration book is open at all times to any police officer and the district attorney.

EXHIBIT C (Cont'd)

In commenting on the Los Angeles County ordinance the sheriff states that it is difficult to ascertain whether the ordinance is generally observed, and that the purpose of the ordinance was to check the influx of eastern gangsters, in which it has been very effective. The assistant city attorney states that, from the period of July 1935 to June 1936, there was a total of 54 convictions for violation and a total of 72 arrests. The percentage of convictions to arrests was 75%, and the percentage serving sentence or fine, 11%. Of those convicted, 44 were given straight jail sentences, which sentences were suspended, and 2 were given straight jail sentences with probation.

It can be seen that ordinances of this character, as the sheriff of Los Angeles has stated, probably have some effect on keeping out of the jurisdiction undesirable citizens and at the same time, if properly enforced, would not interfere with the rights of the registrant; such ordinances would also serve to give the police a check upon persons within the jurisdictions who might conceivably, judging from previous record, be inclined to law violation. Of course, the success or failure of ordinances of this character will depend entirely upon activity in enforcement; upon privacy of registration records; and upon fairness of law enforcement agencies.

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TABULAR SUMMARY - CHAPTER II, PARTS 1-9, (pp.17-51).

PART 1, (pp.17-19).

ORGANIZATION OF PAROLE BOARDS

STATES	MEMBERSHIP AND TENURE	SALARY	RESTRICTIONS	QUORUM
Calif.	Chairman and two other members appointed by Governor. Consent of Senate not required. (4 Years)	Chairman, \$6,000.00 Others, \$5,000.00	None	Majority
Ill.	1 Supervisor and 6 other members appointed by Governor, with consent of Senate. (2 Years)	Supervisor, \$6,000.00 Others, \$5,000.00 Bond, \$1,000.00	None	Majority
Mass.	Chairman and 3 others appointed by Governor with consent of council. (3 Years)	Chairman, \$5,500.00	None	Majority
N. Y.	3 members appointed by Governor with consent of Senate. Members elect Chairman. (6 Years)	\$12,000.00	No special qualifications. Must not engage in any other business or profession; hold no other public office nor serve at the time of appointment nor during incumbency of office as representative of any political party on an executive committee, or as executive officer or employee of any political organization.	Unanimous on hearings; majority on other matters.
U. S. (Fed.)	3 members appointed by attorney general U. S. (indefinite term)	\$7,500.00	None as to special qualifications. Statutory restrictions for government employees apply as to political activity and other employment.	Majority

TABULAR SUMMARY - CHAPTER II, PART 1
(Continued)

STATES	MEMBERSHIP AND TENURE	SALARY	RESTRICTIONS	QUORUM
Wash. (State)	3 members appointed by Governor with con- sent of Senate. Mem- bers elect chairman. (6 Years)	Chairman, \$4,000.00 Others, \$3,500.00	None as to special qualifications; must engage in no other business or profession, nor at time of appointment or any time there- after during incum- bency serve as re- presentative of any political party on an executive com- mittee or other governing body, or as executive officer or employee of any political committee or association.	Majority

TABULAR SUMMARY - CHAPTER II, PART 2, (pp.19-21).

PAROLE BOARD - POWERS AND FUNCTIONS

STATE	POWER AND FUNCTIONS	CUSTODY OF PAROLEE	APPLICATION FOR PAROLE
Calif.	Establish rules for parole of prisoners in State penitentiaries. Grant and revoke parole; determine and re-determine length of confinement of prisoners after six months of sentence served.	Legal custody while on parole is in Board of Prison Directors.	Prisoner may, but need not file application.
Ill.	Same as California.	Parolee under legal custody and control of Department of Public Welfare.	Must file application.
Mass.	Same as California except that jurisdiction extends over State Reformatory. Sits as advisory Board of Pardons and Commutations.	Legal custody of parolee in Commissioner of Correction.	Must file application.
N. Y.	Same as California except that jurisdiction extends over Elmira Reformatory.	Legal custody in Warden of institution from which prisoner was paroled.	No application.
U. S. (Fed.)	Establish rules and regulations for parole of prisoners in Federal prisons; grant or revoke paroles; appoint parole officer in each prison under whose supervision the paroled convict remains while at large.	Legal custody in Warden of prison from which convict was paroled.	Prisoner files or Warden in prisoner's behalf.
Wash. (State)	Same as California.	Parole Board.	Prisoner files.

THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION PUBLISHED WEEKLY

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ELIGIBILITY FOR PAROLE

STATE	WHEN ELIGIBLE	CONDITIONS	PRIOR CONVICTION	NOT ELIGIBLE
Calif.	Discretionary with board after one-half minimum sentence served. Except minimum of one year must be served by first offender; seven years in life sentence; habitual criminal (3rd conviction) 12 years.	Must have job. Report monthly, must not drive automotive vehicle, associate with evil companions, use drugs, liquor, marry, leave the county, or engage in business, or break law. May be paroled to be deported.	Second felony offender - not less than two years; third felony offender convicted as habitual criminal, minimum of 12 years. Second offense of petty theft becomes felony; felony after petty theft increases sentence. Cumulative sentences after one-half minimum term - not less than two years.	Fourth felony habitual criminal. Prisoner on death sentence.
Ill.	Discretionary with board. Except indeterminate sentence prisoners, after minimum sentence served. Determinate sentence prisoner - after minimum term not less than one-third of sentence. Life sentence prisoners, after 20 years.	Must have job. Sponsor if in Chicago, report monthly, forbidden to carry weapons; frequent disreputable places, associate with one who has police record; write or visit inmate of penal or correctional institution; use liquor to excess, or narcotics; marry; drive or ride in an auto for pleasure; 9:30 curfew; leave the county.	Second offenders receive definite sentence of maximum term for offense, eligible after one third of sentence served. Third offenders eligible after 15 years.	Prisoner on death sentence.

TABULAR SUMMARY - CHAPTER II, PART 3
(Continued)

ELIGIBILITY FOR PAROLE

STATE	WHEN ELIGIBLE	CONDITIONS	PRIOR CONVICTION	NOT ELIGIBLE
Mass.	Discretionary with board, except, State prison inmates must serve two and one-half years; reformatory inmates not less than one year, Life termers may be paroled by Governor after fifteen years.	Must have certificate from employer that job is waiting, examined by officer and approved by board; must have a place of residence guaranteed; placed in charge of a paid agent, agree not to break any law or such other conditions as maybe prescribed.	No effect on paroles unless a habitual criminal. Habitual criminal sentence is definite for maximum term. Parole by Governor with consent of Council after reformation.	Persons on death sentence.
N.Y.	Discretionary with board; except, first felony offenders must serve minimum sentence but not less than one year; first degree burglary, robbery, or attempt to commit, a minimum of ten years; second degree murder, kidnapping, minimum twenty years. Parole mandatory after sentence served less good time allowance since 3/6/36.	Terms of parole specified in writing; may require abandonment of evil associates; support dependents, have a job, report to parole officer; prohibits leaving state, living with woman not his wife, make application to hunt, write to an inmate of a prison, carrying weapons, use drugs, break any law.	Second and third offenders; maximum term given first offenders for offense; fourth offenders, maximum term, but not less than fifteen years.	Those committing felony while on parole. Murder, 1st degree; treason; kidnapping, unless recommended by court or jury.

TABULAR SUMMARY - CHAPTER II, PART 3
(Continued)

ELIGIBILITY FOR PAROLE

STATE	WHEN ELIGIBLE	CONDITIONS	PRIOR CONVICTION	NOT ELIGIBLE
U. S. (Fed.)	Discretionary with board after the expiration of 1/3 sentence, Mandatory after term served, less good time allowance.	Prescribed by parole board; may include personal reports, authority to return to home state, or if alien to be deported. Must have a lay advisor.	A few offenses carry a heavier penalty on reprobation, No habitual criminal statute.	Those sentenced to death. Prisoners with a bad conduct record.
Wash. (State)	After serving minimum term of sentence less good conduct credits not exceeding 1/3 of sentence.	Parole board prescribes terms; may revoke all or portion of credits earned or to be earned in case of violations.	If previously convicted of a felony and armed at the time of offense or arrest, must serve 7½ years. Second felony; or twice before convicted of petit larceny or petit theft; or misdemeanors of which fraud is an element; minimum sentence 10 years. Third conviction of felony, or fourth conviction of petit larceny or fraud; life sentence without parole.	Life sentence prisoners including habitual criminal serving life sentence. Murder 1st degree and 2nd degree; treason; carnal knowledge of child under ten; second conviction of felony, 1st degree, robbery, assault and rape.

CONDITIONS OF PAROLE

STATE	DISCHARGE - ABSOLUTE AND CONDITIONAL	PENALTY FOR VIOLATION OF PAROLE
Calif.	Absolute discharge from parole only upon expiration of maximum term of sentence.	Sentence for commission of crime while on parole begins after expiration of former sentence. All or a portion of credits earned may be forfeited after hearing. Eligible for re-parole.
Ill.	Only upon expiration of maximum term of sentence, but parolee who has served six months of his parole acceptably may in discretion of board be conditionally discharged sooner. Order must be approved by Governor.	The time between release on parole and delinquency is part of the term of his sentence. Credits are allowed for good time faithfully served on parole. Eligible for re-parole.
Mass.	Only upon expiration of maximum term of sentence.	Detained according to the terms of his original sentence. Eligible for re-parole.
N.Y.	Only upon expiration of maximum term of sentence.	Must serve portion of remaining maximum sentence from which he was paroled from time of release to expiration of sentence. No further parole permitted.
U. S. (Fed.)	Only upon expiration of maximum term of sentence.	The time prisoner was on parole shall not diminish the time he was originally sentenced to serve. Eligible for re-parole.
Wash. (State)	Only upon expiration of maximum term of sentence.	Forfeiture of all or portion of good conduct credits for violation of rules of parole. Unless all credits have been forfeited, he is eligible for re-parole.

HABITUAL CRIMINAL

STATE	STATUTE	PENALTY	PAROLE
Calif.	A third conviction of felony, after serving two prior sentences for felony.	Life	Eligible after serving 12 years.
	A fourth conviction of felony, after serving three prior sentences for commission of felony. Must be definite finding of habitual criminal.	Life	Not eligible at any time.
	Court may within 60 days declare prisoner not habitual criminal and sentence on penalty as repeater.		
Ill.	All second and third offenders deemed habitual criminals.	Maximum	Second offenders after 1/3 of sentence served. Third offenders after at least 15 years served.
Mass.	Third offenders - 2 priors in Massachusetts or elsewhere, with prison commitment of 3 years or more each, are deemed habitual criminals.	Definite maximum term for offense	Subject to Governor, Council and Advisory Board.
N. Y.	Charge as habitual criminal may be brought on commission of felony if one prior conviction in New York State - or, if three prior convictions elsewhere.	For second and 3rd felony offender, maximum for the offense as a minimum, and a maximum of twice the term; 4th offender, maximum of life, with a minimum of 15 years.	After serving minimum of term. As other indeterminate sentence prisoners.
U. S. (Fed.)	Federal Statutes do not define habitual criminal.	- -	- -

TABULAR SUMMARY - CHAPTER II, PART 6
(Continued)

HABITUAL CRIMINAL

STATE	STATUTE	PENALTY	PAROLE
Wash. (State)	Felony and one prior felony; felony and two prior petit larceny, gross misdemeanor, or fraud; petit theft or fraud and two prior petit theft or fraud.	Minimum of ten years.	No parole if prior offense is a felony.
	Felony and two prior felony; four prior petit larceny or fraud.	Life	Not eligible.

SUSPENDED SENTENCE

STATE	AUTHORITY TO SUSPEND	RESTRICTIONS	SUPERVISION DURING SUSPENSION
Calif.	Statutory and within discretion of court. Either before or after sentence.	First felony offenders only where armed; where there is great bodily injury or torture; or commission of specified serious felonies; where public official is guilty of bribery, embezzlement or extortion. May be for indefinite period but not beyond maximum period provided for offense.	Code and supreme court indicate supervision. Courts use discretion and place approximately 60% of cases under supervision.
Ill.	Statutory and within discretion of court. After sentence.	Suspension of sentence only in cases of motion for new trial, arrest of judgement or other just cause. Court cannot indefinitely suspend pronouncement of sentence or execution thereof; and in no case longer than one year at a time, nor more than two in the aggregate, and in such cases first offenders only convicted of minor felonies.	Must report to probation officer monthly. All cases are placed under supervision.
Mass.	Common law and statute. Either before or after sentence.	First felony offenders only where crime is punishable by death or life imprisonment or where armed. When not referred to probation department period is "during good behavior"; where referred to probation department must be for definite period. May be for longer period than sentence provided for offense if suspension is without supervision.	Under its common law practice suspended sentence cases need not be placed under supervision but this is actually done in all serious offenses. When under supervision must report periodically to probation office. Placed under supervision in most cases.

TABULAR SUMMARY - CHAPTER II, PART 7
(Continued)

SUSPENDED SENTENCE

STATE	AUTHORITY TO SUSPEND	RESTRICTIONS	SUPERVISION DURING SUSPENSION
N.Y.	Statutory. Either before or after sen- tence.	No suspension in life or death sentence, fourth offenders or where armed. No longer than maximum period fixed for offense.	Must report to proba- tion office. All cases placed under supervision.
U. S. (Fed.)	Statutory. Either before or after sen- tence.	In all cases except death or life. Cannot exceed five years.	Part of probation sys- tem. All cases placed under supervision.
Wash. (State)	Statutory. After sentence.	First felony offenders only, except certain serious offenses.	Part of probation sys- tem. All cases placed under supervision.

INDEFINITE (INDETERMINATE) SENTENCE

STATE	WHEN PERIOD OF CONFINEMENT IS FIXED BY PAROLE BOARD AFTER COMMITMENT	POWER OF COURT TO FIX TERM
Calif.	All cases except where sentence is death, or as a habitual criminal of 4th felony type.	Court sets minimum and maximum if code provides; if code provides minimum only then such minimum and maximum up to life; if code provides maximum only then court sentences for not more than the maximum or may sentence for "term fixed by law."
Ill.	All first felony convictions except for misprison of treason, murder, rape, kidnaping. These receive definite sentences set by jury or court.	First felony offenders; court sentences to prison but does not fix term: board of parole sets term. Second or third felony offenders receive definite term.
Mass.	All cases except sentence as a habitual criminal, or for life, or to the reformatory.	Sentence set by court as a minimum and maximum except habituals and reformatory cases. Sentence for habituals is for definite maximum term; sentence to reformatory is "until he has reformed."
N. Y.	All cases except death, or for life receive an indeterminate sentence.	Court sets minimum and maximum term.
U. S. (Fed.)	No indefinite sentence law. Sentence is for term within a minimum and maximum.	Court sets definite period of confinement.
Wash. (State)	All cases except murder first degree, carnal knowledge of child under ten, treason, habitual criminal.	Court sentences for "not more than _____ years." If no maximum term provided for offense, court sets maximum. If no minimum provided, court sets minimum.

PROBATION IN FELONY CASES

STATE	RESTRICTIONS	TIME
Calif.	To first offenders only, except those committing certain major offenses.	Before or after sentence and may be for maximum period fixed for offense. Term of probation fixed by court.
Ill.	To first offenders only, except those committing certain major offenses.	Before pronouncement of sentence. Not beyond one year at a time and two years in aggregate. Term of probation fixed by court.
Mass.	To first offenders only, except those committing certain major offenses.	Before or after sentence. Not beyond maximum period for offense. Term of probation fixed by court.
N. Y.	All first felony cases eligible except offenses punishable by death or life sentence; or felony while armed.	Before or after sentence. Not beyond period fixed for offense. Term of probation fixed by court.
U. S. (Fed.)	All cases except offenses punishable by death or life sentence.	Period of probation including extension cannot exceed five years but court retains jurisdiction in case of violation up to maximum term provided for offense. Term of probation fixed by court.
Wash. (State)	All first felony cases only, except murder and certain other major offenses.	Before execution of sentence. Term of probation fixed by Parole Board.

